







*The*  
*Messages and Proclamations*  
OF THE  
*Governors*  
OF THE  
STATE of MISSOURI



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## **PREFACE**

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This volume of "The Messages and Proclamations of the Governors of the State of Missouri" includes the messages of Governor Lloyd Crow Stark (1937-1941).

**FLOYD C. SHOEMAKER.**

**COLUMBIA, 1948.**



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**GOVERNOR LLOYD CROW STARK**







# GOVERNOR LLOYD CROW STARK

BY

WALTER H. RYLE

Lloyd Crow Stark was born on a Pike County farm near Louisiana, Missouri, on November 23, 1886. He was the eldest child of a family of two boys and one girl. Lloyd Crow Stark is of an illustrious American family whose ancestors stem from the Muirheads of early Scotland. For nearly four centuries they had distinguished themselves in Scotland before the first of their number left their native land for the New World in 1710.

Lloyd Crow Stark received his early education in the elementary and high schools of Louisiana, Missouri. At the age of seventeen he entered the United States Naval Academy at Annapolis, graduating four years later with the degree of Bachelor of Science "with credit."

The next four years Lloyd C. Stark served in the United States Navy, most of his tour of duty being on board the *U.S.S. Montana* and the *U.S.S. Tennessee* under the famous Captain Bradley Fiske, great naval inventor and father of the aerial torpedo. On board these ships he saw service both in home and foreign waters. He was in various parts of Turkey to protect American missionaries and nationals during the "Young Turk Uprising" of 1909. Later he was on board the *Montana* when it joined the British and French squadrons in the chase to prevent Ex-President Castro of Venezuela from landing in Venezuela where he had planned to foment a new revolution. Mr. Stark then requested the Navy Department that he be transferred to submarines. He was ordered to the *U.S.S. Castine* on submarine duty, and later was commissioned as captain of a submarine.

After eight years in the service of his nation's naval forces, he resigned his commission and returned to his childhood home at Louisiana, Missouri, to assume a responsible



position in the Stark Brothers Nursery, a business which his forefathers had well established.

A short time after he assumed his duties with the nursery, he was elected president of the Mississippi Valley Apple Growers Association, and in 1917 he became president of the American Association of Nurserymen. He was fast becoming one of the foremost nurserymen of the nation when war was declared against Germany in 1917. He immediately volunteered his services to his country, and in June of that year he was commissioned as captain of field artillery and ordered to report for duty at Fort Myers, Virginia. In August of the same year he was promoted to major and sent to Camp Lee, Virginia, to help organize and train the Eightieth Division. In October he entered the Officers' Artillery School of Fire at Fort Sill, Oklahoma, graduating from this school in January, 1918. He immediately returned to the Eightieth Division at Camp Lee where he assumed the command of the Second Battalion, 315th Field Artillery.

Major Stark's military record is indeed a distinguished one. Throughout his entire military service he demonstrated sound judgment and ability backed by his excellent training at Annapolis and experience as an officer in the U. S. Navy.

In May, 1918, he became (acting) assistant Chief of Staff of the Eightieth Division; on May 26 he sailed from Newport News, Virginia, for Bordeaux, France, in command of the Second Battalion, 315th Field Artillery Regiment, American Expeditionary Forces. In July, 1918, Stark was ordered to command the U. S. Remount Depots, Region du Nord, France. On completion of this duty he was again ordered to assume command of the Second Battalion, 315th Field Artillery then training at Napoleon's old artillery firing range at Camp Meucon, France, preparatory to going into battle at the front.

In September, 1918, he moved with his Second Battalion towards the front to the Saint Mihiel offensive and on September 26 he was in command of the battalion at the opening of the great Meuse-Argonne offensive with his guns in

position behind the crest of Le Mort Homme near Verdun. During the battle on the following day he advanced to Hill 281 and, on recommendation of the Artillery Brigade Commander, was placed in command of the entire 315th Regiment of Field Artillery by order of the commanding general.

At a later date he again became the commander of the 315th Regiment, serving in this capacity from November 5 to November 9, 1918, at Andevanne, Beaufort, and Halle, France. His entire combat service was with the 315th Field Artillery Regiment, one of the few that fought throughout the entire Meuse-Argonne offensive without rest or relief.

Before Major Stark's return to the United States, he was recommended by the general commanding his brigade, the general commanding the division, and the corps commander for retention in the regular army as a field officer with the rank of lieutenant colonel, but he felt he must resume his connections with the Stark Brothers Nursery, so he did not accept, and in May, 1919, he returned to the United States and on June 7 was mustered out at Camp Lee, Virginia.

Shortly after his return, he was again elected president of the American Association of Nurserymen. He became active in local, regional, and state civic affairs, serving on a number of boards that gave him the opportunity to serve well his community and state. In 1926 he became one of the four charter holders of the Mississippi River Bridge at Louisiana, Missouri. Also, in 1926 he was elected president of the Missouri-Illinois Bridge Company. He became chairman of its executive committee which was charged with the responsibility of building the great highway bridge over the Mississippi River at Louisiana and known today as the Champ Clark Memorial Bridge, connecting the road systems of Illinois and Missouri and opening the shortest paved roadway between Chicago and Kansas City (U. S. Highway No. 54).

Because of his sincere interest in good roads and because of long and effective service to the good roads cause in northeast Missouri, Major Stark was appointed in 1928 by the recommendation of the governor and the governor's committee as the chairman of the Citizens' Road Committee to conduct the campaign for the Missouri state \$75,000,000 highway bond issue. The bond issue carried by a large majority at the polls in November. This victory was due largely to the organizing skill and the energetic leadership of Major Stark, who relentlessly pushed the campaign into every community of the state. His earnest and persistent plea for a new system of "Farm to Market Roads" rightfully earned for him the distinction of being called the "Father of the Farm to Market Road System" of his state.

Major Stark, in 1931, was elected president of the United States Highway 54 Association. He has served as chairman of the Chamber of Commerce of Louisiana; chairman of the Chamber of Commerce of Pike County; vice-president of the Chamber of Commerce of Northeast Missouri; and director and vice-president of the Missouri State Chamber of Commerce.

Shortly after his graduation from the United States Naval Academy, on November 11, 1908, Major Stark married Margaret Pearson Stickney of Baltimore, Maryland. To this union two children were born: Lloyd Stickney Stark and John Wingate Stark. On October 12, 1920, Mrs. Stark died in Saint Luke's Hospital in Saint Louis, Missouri. Lieutenant Commander Lloyd Stickney Stark, a survivor of Pearl Harbor, made the supreme sacrifice during World War II. On November 23, 1931, Major Lloyd C. Stark married Katherine Lemoine Perkins of Saint Louis, Missouri. They have two daughters: Mary Murray Spotswood Stark and Katherine Lemoine Stark.

Major Stark has varied interests. He is a member of Calvary Episcopal Church of Louisiana, where he serves as vestryman. For many years he has been interested in fine horses, being a director of the American Saddle Horse Breeders Association. He is a member of Rotary Interna-

tional, Sons of the Revolution, the Saint Louis Country Club, the University Club, the Racquet Club, the Chicago Club (Chicago, Illinois), the State Historical Society of Missouri, the Missouri Historical Society, the Army and Navy Club (Washington, D. C.), The American Legion, The Navy League of the United States, and the American Association of Nurserymen. The LL.D. degree was conferred upon him by four institutions of higher education, one of which was Washington University.

Major Stark was first prominently mentioned as a possible candidate for governor of Missouri during the highway bond campaign in 1928. Many of his friends urged him to enter the gubernatorial primary in 1932, but in loyalty to his old friend, Senator Francis M. Wilson, he refused to enter the race, giving his support to Wilson, who received the nomination. A few weeks before the election Francis M. Wilson suddenly died. Again Major Stark was mentioned for governor by his many friends and backers. At first it seemed that he would be the choice of the Democratic State Committee but, according to a biographical commentator, "it later developed that, due to the intimate personal friendship of Judge Park and the Wilson family, they wished that Judge Park be given the nomination. For the sake of party harmony and to assure the election of a Democratic governor, Major Stark, with the approval of his friends and backers, refused to permit his name to go before the committee and thereafter aggressively supported Judge Park for the nomination."

During the following four years thousands of Stark's friends and admirers repeatedly urged his nomination for governor of Missouri in 1936. The press in various sections of Missouri was also urging his nomination. Part of his popularity rested upon his successful effort to lift the farmer and the people of the small towns and villages out of the mud by making it possible for them to have all-weather "farm to market roads." He also bore an enviable reputation of being a successful business man, possessing sound judgment and sympathies in tune with the heart yearnings

court, presided over by Judge Albert L. Reeves. The grand jury impaneled by Judge Reeves found that in the election of 1936 some of the wards of Kansas City had registered more voters than the total population. As a result of the grand jury indictments more than 200 persons were prosecuted, of which 78 were sent either to jail or the penitentiary and fines totaling \$60,000 were assessed. Following these prosecutions, Governor Stark appointed an independent board of election commissioners for Kansas City, thus following through the clean-up begun by the Federal courts. He also vigorously encouraged and supported legislation to insure honest elections, not only in Kansas City but throughout the state.

The second round in this struggle came when Governor Stark began to investigate the action of the Insurance Department of Missouri. The background of the insurance case had its origin in 1915 when the General Assembly passed an act providing for uniform fire, lightning, hail, and windstorm insurance rates which granted the superintendent of the department certain powers to reduce or increase rates under certain conditions. The insurance companies sponsored this act for they were eager to fix common rates and to have this privilege they were willing to submit by law to state regulation and supervision. But shortly after the enactment of this act, insurance companies began to question the right of the state to control these rates, thus causing almost constant litigation with the state.

The litigation in defense of its sovereign powers cost the state thousands of dollars. In 1930 the insurance companies increased their rates  $16\frac{2}{3}$  per cent. While litigation was under way this increase in premiums was collected but was impounded by the courts. In 1935 R. Emmett O'Malley, superintendent of the Insurance Department, worked out a compromise settling litigation, whereby of the approximate \$10,000,000 impounded, 20 per cent went to the policyholders, 50 per cent to the companies, and 30 per cent went to the litigation costs. Governor Stark did not approve the questionable methods used by O'Malley to

effect this compromise. Thomas J. Pendergast had personally requested the reappointment of his friend O'Malley as superintendent of the Insurance Department. Governor Stark refused his request; then the break with the boss of the Democratic organization was complete.

The third round opened in 1938 with the desperate primary fight for the nomination for a place on the Missouri Supreme Court. In 1937 Judge James M. Douglas of Saint Louis had been appointed by Governor Stark to a place on the Supreme Court of the state to serve until the next general election, which was November, 1938. Judge Douglas became a candidate to fill out the remainder of the ten-year term and, according to custom, he should have been unopposed at the August primary. Because Judge Douglas had been appointed by Governor Stark and had rendered a decision against the insurance compromise, Pendergast entered a candidate in the primary against him. Governor Stark accepted the challenge. The issue as to whether Pendergast was to control the state Supreme Court had to be decided. Stark vigorously campaigned for Judge Douglas, carrying the fight into every precinct of the state. Douglas won the nomination by a plurality of 119,498. The people had endorsed Governor Stark's struggle against bossism in the affairs of the state government.

The final round in this battle was Governor Stark's visit to Washington where he conferred with President Roosevelt, the secretary of the treasury, and other Federal authorities. As a result of this visit in April, 1939, the Honorable Frank Murphy, Attorney General of the United States, and J. Edgar Hoover, head of the Federal Bureau of Investigation, flew to Kansas City to confer with Federal authorities. Within a few weeks the Federal grand jury indicted Pendergast for evading the Federal income tax on a sum most of which was allegedly from the slush money he received from insurance companies involved in the compromise agreement of 1935. Pendergast admitted his guilt. Judge Merrill E. Otis sentenced him to serve fifteen months in the Federal prison at Leavenworth on one count and

granted a suspended sentence of three years with a probation period of five years on another, and assessed a fine of \$10,000 against him. O'Malley also pleaded guilty to evading his Federal income tax return. Others were brought to justice in the Federal courts. The "Big Boss" and O'Malley had been reached, found guilty, and punished.

In June, 1939, Governor Stark was elected chairman of the Governor's Conference of the United States and in the following October he became president of the Council of State Governments. In these capacities he took the initiative and actively supported a movement to bring about the elimination of interstate trade barriers. In his farewell address he urged Missouri's full participation in the work of the Council of State Governments, so that it can help in the elimination of the worst menace to national unity—"the hate breeding, prosperity-destroying 'Balkanizing' tariff walls between the states."

Throughout his administration Governor Stark was a sincere friend of public education and the institutions of higher education. In his inaugural address he urged better financial support to the public schools, the State Teachers Colleges, and the State University. He was active in pushing a building program for each of the institutions of higher learning that had been greatly needed for many years.

In 1939 Governor Stark, in a blistering message to the General Assembly in which he charged that conditions in Kansas City were "shocking the law-abiding people of our State and Nation," urged the adoption of a bill establishing a metropolitan police system in Kansas City. He proposed that the locally controlled police system there which he charged was boss-controlled and dominated, and operated as a political arm of a corrupt political machine, be supplanted by a police system administered by a bi-partisan board composed of four members appointed by the governor. After a bitter struggle in the General Assembly, a bill was passed abolishing the municipal police system of Kansas City and providing for a metropolitan police system to be administered by the mayor and a board of police commis-

sioners composed of four members to be appointed by the governor with the consent of the Senate. This was another serious blow to Pendergast control of Kansas City. To Governor Stark this act was one of the major achievements of his administration. In his farewell address to the Sixty-first General Assembly, he pointed out that this act "freed the police force of Kansas City from control by a corrupt political organization which maintained an open alliance with the underworld."

In his inaugural address, Governor Stark strongly recommended the establishing of a "state-wide cancer clinic for the study and treatment of this dreadful disease." On April 26, 1940, he dedicated the new Ellis Fischel State Cancer Hospital near Columbia. In his dedicatory address he pointed out to Missourians that they "have here erected an enduring monument to the campaign to aid suffering humanity."

In 1940 Governor Stark became a candidate for the Democratic nomination to the United States Senate. Because of a three-cornered contest, he lost to the incumbent, Senator Harry S. Truman, by only 7,977 votes. Outside of Jackson County his plurality was 15,930 votes. Governor Stark carried more counties than both of his opponents combined.

At the general election on November 5, 1940, Forrest C. Donnell, Republican nominee for governor, was elected by a very close vote over Lawrence McDaniel, Democratic nominee. Soon afterward, the Democratic State Committee approved a plan to petition the General Assembly to institute a "general and sweeping investigation" into the gubernatorial election. The move, generally referred to by the press as an attempted "Governorship Steal," was designed to bar Mr. Donnell from being sworn in as governor and ultimately to seat Mr. McDaniel as governor. On January 10, 1941, the General Assembly approved Joint Resolution No. 3, which provided for the expenditure of substantial sums of public funds to conduct the "general and sweeping investigation." Immediately following Gov-



ernor Stark's farewell address to the General Assembly, apparently without warning, he read his message vetoing Joint Resolution No. 3. This meant no state money would be available for the investigation. This was Governor Stark's last major act as governor of Missouri.

Following the inauguration of his successor, Forrest C. Donnell, on February 26, 1941, Lloyd Crow Stark immediately returned to Louisiana, resuming his former office as chairman of the board of directors of the Stark Brothers Nurseries and Orchards Company. His parting words to the people of Missouri were:

"In these perilous times, it is doubly necessary that every public official in the State and in the Nation should lean backward in an effort to serve the people strictly according to the constitution and the laws of the land, without partisan bias and with only the welfare and the safety of our democratic form of government in mind."

## INAUGURAL ADDRESS

JANUARY 11, 1937

*From the Journal of the House of Representatives, pp. 30-38*

*To the Senate and House of Representatives of the 59th General Assembly:*

A third of a century ago I had the honor to take the oath as an officer in the United States Navy, and for eight years I served in that capacity to the best of my ability. Twenty years ago I again held up my right hand and took the oath as officer in the United States Army, and for two years I gave my all to this Nation in the great World War. Today, again, I take the oath, this time as Chief Executive of what I consider the fairest and best State in the greatest Nation on earth. I take this oath in deep humility and with the hope that God, in His wisdom, will guide me to be of the utmost service to you, the people of Missouri, my native state. You have elected me Governor, the highest office within your gift, and this day I take up the duties and assume the responsibilities of leadership which you have placed upon my shoulders for the next four years. With your cooperation, with your sympathetic understanding and your patience to sustain me, I am sure that I shall not fail.

No Governor ever entered upon his duties in this State with a General Assembly composed of higher type men and women. I know this to be true, for I have consulted most of you during the campaign and since the election, and I feel sure that each and every one of you is imbued with the spirit of unselfish, patriotic service. As your Governor and Chief Executive it will be my great pleasure to cooperate with you in the constructive program which, I am assured, it is your purpose to carry out.

It is my hope and earnest prayer that by close and continuous cooperation and mutual helpfulness the legislative

and executive branches of the state government will so coordinate their efforts during the coming session and throughout the next four years that we may accomplish great things for our State. By this means we shall give the people of Missouri an administration that will go down in history as one marked by humanitarian progress, by efficient service, by freedom from partisan bias and full of good works for the welfare of all the people, without regard to politics, creed, or color. I have left my business to come here, not to satisfy my personal ambition for public life or political preferment, but with the belief that my training and experience in business and other lines of activity may help in solving the many perplexing problems that now confront our great State.

I am proud to be a Missourian. We have here in Missouri a splendid, courageous, God-fearing race of people of lofty ideals and great attainments. To us and our kind there is no threat of communism or fascism. Our people believe in old-fashioned Democracy and Democratic institutions, and we know that in the preservation of these institutions lies the only true personal liberty—our only hope for peace, happiness and contentment—which, after all, is the final and highest goal of a wise and intelligent people. In this State we have a veritable empire of great cities and fertile farms, thriving towns, forests, lakes and rivers. We have scenic beauties unsurpassed, of which we are just becoming conscious. We have great wealth, both natural and acquired, and but little poverty.

We are pledged to a fair deal with maximum opportunity to agriculture, to labor and to business. We fully realize that all prosperity must come from our basic industry, agriculture; for when the farmers of Missouri are prosperous, the laboring men and women will be prosperous and the business men and women will be prosperous.

We are here today to carry out the will of the voters of Missouri. The voice of the people, not only of Missouri but of the entire Nation, was overwhelmingly in favor of the new humanitarian policies originated and now being carried

out by our National Administration. Therefore, I construe it to be our first duty to cooperate with the Federal Government and put into effect in this State those policies for human betterment, to the end that our people may realize the full benefit therefrom.

In a speech, following his nomination for Governor, in 1916, the late Frederick D. Gardner said:

“If I am elected Governor, I propose to be the Business Manager of the State; to practice sensible economy in the management of every state institution; to stop every financial leak; to divorce every institution from party politics; to appoint men of the highest character and integrity to the state boards and to require of them the highest degree of efficiency; to rehabilitate on modern lines the financial system of the State; to construct a vast system of good roads that will annually bring thousands of tourists and millions of dollars to the State and to devote the four best years of my life wholly and unreservedly to the people of Missouri.”

Events showed that Governor Gardner meant every word he uttered on that day, more than twenty years ago, and by adhering to his program honestly and conscientiously until it was fulfilled almost to the letter, he took his place as one of Missouri's greatest and most honored Governors. To follow his precepts, and in the same spirit of honesty and courage to meet the changed and changing conditions of this day is my highest ambition and to that purpose I here and now dedicate myself.

I have repeatedly promised our people a business-like, efficient administration of their state affairs. I am here today to see that that promise is carried out. A business-like administration means that every man or woman who works for the State is capable of performing the duties to which he or she is assigned, and that efficient service is rendered in every position.

A business administration is an economical administration. No one should make money out of the government of the State of Missouri, or at the expense of the taxpayer. Economy in government does not mean a "do-nothing" administration, where nothing is spent and nothing done, but it does mean that every dollar of the taxpayers' money should be carefully guarded and wisely spent, so the maximum value of every tax-dollar shall be realized.

A business administration means absolute honesty in every branch of our state government. It means the elimination of waste and needless expenditure of money in all departments. The ideal public servant is one who serves from patriotic motives, for the benefit of his state and not for mere mercenary gain; one who spends public money as carefully as he spends his own funds. The State of Missouri demands public service of this character and I shall insist upon having it from all of those whom I appoint to office.

Never before in the history of Missouri have greater opportunities been offered any General Assembly, or any Governor, to accomplish so much in one session as are offered to us here and now. With the high character of those composing this legislative body, I know the welfare and rights of the people will always be foremost; that efficiency, economy and honesty will be the guiding lights and beacons which will safely lead us and enable us to solve the momentous and perplexing problems we must face. Through all my life I have carried in my heart two homely thoughts: first, that "Actions speak louder than words" and second, that "Only results count."

Members of the Senate and House of Representatives, you have recently received an extraordinary vote of confidence from the people of Missouri and upon your shoulders has been placed great responsibility. I am sure that you will be fully equal to the task and worthy of the great trust that has been placed in you. I know that you will give the people of the State constructive legislation which will be of lasting benefit.

It will from time to time be my privilege to recommend certain legislation that seems timely and necessary. At this time I will mention some of the most pressing matters for your consideration.

#### DIRECT RELIEF

The voice of the people has been almost unanimous in the endorsement of the new humanitarian policies being pursued by our National Administration. Therefore, I construe it to be our duty to cooperate with the National Administration, and to put into effect in this state these great policies for the betterment of our people.

Frankly, we must face the fact that these new national policies of human welfare make necessary greater state activity than ever before. The recent depression has demonstrated, all too well, that local communities, our cities and counties, cannot carry their loads of relief due to unemployment, under such conditions. These vast problems cannot be solved locally, and it naturally follows that all of the additional activities for the welfare of the people, when put into effect, will require more state income and revenue, as the state is called upon to carry the loads formerly carried by local communities.

In the final analysis, it will cost the individual citizens no more; in fact, such expenditures can be better directed and administered by the state than by local communities, and the people will benefit in the long run. The State of Missouri has not, and will not, permit its citizens to go hungry, or to suffer from cold and privation during periods of business depression and unemployment.

Contrary to the expectations of the last Legislature, the Relief problem is still acute and has been aggravated in the rural sections by the terrible drouth of the past summer; many thousands of our unemployed and unemployable citizens are still in dire need of financial help. The State must and will, I am sure, do its full part in carrying this burden. During the first half of 1936 the State appropria-

tion for relief was entirely exhausted, so that for the second half of the year the entire relief load was thrown on the cities and counties. As they have now practically exhausted their resources, it is imperative that the State immediately come to the rescue of our distressed fellow citizens. Adequate appropriations within the range of anticipated and available revenues should be made and I have confidence you will not let the State fail to do its duty in this regard.

#### SOCIAL SECURITY

Closely associated with Direct Relief is the more permanent and far-reaching Social Security program of the Federal Government. Much important legislation is needed in this field. It is a matter of great importance to our people that we cooperate heartily in this program which is designed to afford a large degree of permanent protection against distress, and to advance the public welfare of our citizens.

The General Assembly should endeavor to expedite the enactment of adequate Social Security Legislation that will conform to the requirements of the Federal Government and thereby permit Missouri to receive all money and other benefits emanating from the Federal laws covering Old Age Pensions, Unemployment Compensation, Child Health and Welfare Program, Crippled Children, Mothers' Aid, Blind Assistance, and Aid to Dependent Children.

An Unemployment Compensation Law should be carefully drafted and enacted to meet Federal requirements, while providing the greatest degree of protection to the unemployed and the highest degree of fairness to the employer.

#### OLD AGE ASSISTANCE

I recommend that the General Assembly submit to the people an amendment to the Constitution, reducing the age limit requirements for old age assistance from 70 years to 65 years to conform with the Federal Statutes. If this is not done, no Old Age Assistance will be available to Missouri from the Federal Government after 1940.

I further recommend that you consider the amendment of the present Old Age Assistance Law to exempt modest homesteads and also to provide that the amount of Old Age Assistance received shall, upon death of the recipient, become a lien on his or her estate, and such other improvements as experience has shown to be necessary and desirable.

#### PUBLIC WELFARE DEPARTMENT

I further recommend that the Legislature provide for a committee to be composed of three members from the Senate, three members from the House, the Chairman of the Eleemosynary Board, and three members to be named by the Governor, to investigate the desirability of and present a plan to the General Assembly for the creation of a Department of Public Welfare to have charge of the administration of all of the Social Security Laws, and to direct the activities of all other public welfare agencies.

#### PERMANENT REGISTRATION AND HONEST ELECTIONS

I recommend that the General Assembly enact the necessary legislation to provide for an efficient, modern system of permanent registration of voters in towns having a population of 10,000, or more, and any other legislation necessary to provide for absolute honesty in all elections, both primary and general.

#### HIGHWAY PROGRAM

Our road system is one in which we may take pride. We have issued bonds totaling \$135,000,000.00, of which about \$105,990,000.00 are outstanding. Automobile license fees were reduced in 1933 and we have been limited under the constitutional amendment adopted November 6, 1928, to a gasoline tax of two cents per gallon. This limitation expires in November, 1938. These Acts have prevented payment of our bonds as rapidly as they should have been paid. Practically all of the license fees and all of the



proceeds of the two-cent tax are now required to meet bond interest, bond retirement, cost of maintenance and necessary auxiliary construction in our present highway system. All bonds will not be paid until 1957. We cannot neglect further road construction; we must go forward in the future development of our highway program. The farm-to-market system is far from completion, secondary roads are yet to be paved, additional high-type surfaced roads are still required, and a new system of inexpensive country roads should be immediately inaugurated.

I recommend that the Legislature authorize the appointment of a Highway Program Committee, consisting of three members of the Senate, three members of the House, the Chairman of the Highway Commission, Chief Engineer Highway Department, and six representative citizens to be named by the Governor, to formulate a new road program and recommend to this General Assembly the necessary constitutional amendments and legislation to complete construction and to maintain our highway system.

I strongly urge and recommend legislation to create a fourth and inexpensive type of country road, built and maintained by the State, and to provide more generous aid for the maintenance of state highways passing through municipalities; also provision for state maintenance of acceptable roads constructed with WPA funds.

#### MOTOR VEHICLE FUEL TAX

As the Constitutional limitation on the Motor Fuel Tax will expire before the next session of the General Assembly, I recommend that you investigate the desirability of increasing the motor fuel tax to 3c a gallon as soon as possible and raising the constitutional limitation to 4c per gallon.

#### HIGHWAY SAFETY

The appalling mass murder on our highways must be stopped. Over a million people were injured in motor

car accidents in the United States last year and nearly thirty-six thousand were killed. The total of Missouri's maimed and crippled will be a tremendous tax on our state in the future, to say nothing of the suffering of the injured. The methods to combat this slaughter should include consideration of a Drivers' License Law to curb careless drivers, and the providing of additional funds to man the Highway Patrol up to the full strength of one hundred and fifteen patrolmen already authorized by the Legislature.

It is recommended that legislation be enacted fixing the maximum speed on our highways at 60 miles per hour. In no case should a speed of more than 40 miles per hour upon slippery, ice or snow-covered highways be permitted. The State Highway Commission, or other agency, should be authorized to make necessary regulations to promote safety.

#### TAX RELIEF

It is recommended that the State Legislature enact the necessary legislation to discontinue the 5c State Property Tax, if and when other sources of revenue are adequate.

#### INCOME TAX

I recommend that our State Income Tax Law be amended to follow more nearly the Federal Law and that more adequate provisions be made for its collection.

#### SALES TAX

The present Sales Tax Law expires December 31, 1937. It is now necessary to enact a new Sales Tax Law in order to provide adequate revenue for old age assistance, direct relief, care of the insane and proper support for our schools.

After conference with members of the General Assembly and with many citizens, and after making a careful study of the present financial needs of the state, it is my belief you will find a two per cent sales tax essential.

## STATE REVENUE DEPARTMENT

At this time the various state revenues are under the direction of and are collected by various officials. This system, of course, is the result of many years' growth. It would seem desirable, and I recommend to the General Assembly, the advisability of a more business-like arrangement and suggest the creation of a State Revenue Department for the collection of at least the major revenues, such as Sales Tax, Income Tax, Inheritance Tax, Liquor Tax, Gasoline Tax and possibly others. However, in order not to upset existing departments too rapidly, I suggest that such legislation be enacted at this session to become effective gradually.

## TAX COLLECTION

The present Jones-Munger Law, relative to the collection of property taxes, should be amended at this time to bring it up to date to meet the changed conditions.

## DEPARTMENT OF EDUCATION

The educational facilities in this state have grown to such proportions that it now seems a business-like and advisable procedure to coordinate and unify all educational activities in the State, and I recommend that the General Assembly authorize a committee of twelve, three to be appointed by the Senate, three by the House and six by the Governor to make a careful investigation and report back recommendations to this General Assembly.

At this time, Missouri is giving our schools and educational institutions more money than ever before. These funds should be maintained and increased as fast as the State can afford to do so, but, at the same time, a more coordinated and unified educational system should be effected. Action on additional building programs at the State University and the State Teachers' Colleges should be deferred pending the report of this committee.

**TEACHERS' RETIREMENT FUND**

At the last election the people voted to permit Teachers' Retirement Funds. The General Assembly should, of course, provide the necessary legislation to carry out this mandate of the people.

**LIQUOR LEGISLATION**

Some changes in the Liquor Law are desirable to strengthen enforcement and to effectively provide that no minors may, directly or indirectly, obtain liquor by purchase or otherwise.

**PRISON-MADE GOODS**

Legislation is already in effect in many states preventing the shipping into the state of prison-made goods. In order to avail ourselves of the Hawes-Cooper Act, we should consider proper legislation. The General Assembly should also investigate the desirability of a more widespread State-Use System for prison-made goods.

**WORKMEN'S COMPENSATION LAW**

Some amendments to this law now seem necessary to bring it in line with the new developments and best usage in other states, and to modernize it in view of our past experience in this State.

I call your attention to the fact that no provision is made for compensation to employees injured while engaged by the State Highway Department. Some provision should be made to protect these faithful employees.

**MINE SAFETY**

I recommend legislation to provide for more efficient inspection of Missouri's mines, and more adequate mine rescue equipment is urgently recommended.

## DATE OF PRIMARY ELECTION

It is recommended that the date of the Primary Election be changed from August to June.

## WILD LIFE CONSERVATION COMMISSION

The New Non-Partisan Wild Life Conservation Commission, as provided in Proposition No. 4, an amendment to the Constitution of Missouri, which was carried at our last election, will require legislation necessary to put into effect this mandate of the people. The General Assembly should see that none of the State Parks are left without necessary funds for their proper maintenance and improvement.

## STATE PURCHASING AGENT

As a business man, it is evident to me that the State Purchasing Agent Law is one of the most forward steps taken in this State in the interest of economy. I therefore recommend that the law be strengthened and eventually include all purchases for state use except minor emergency purchases.

## MILITARY ESTABLISHMENT

Our military establishment—the Missouri National Guard and the Missouri Naval Reserve—in view of existing alarming world conditions, should receive special attention at the hands of the General Assembly. I recommend adequate appropriation and careful consideration of their needs.

## AGRICULTURE

Agriculture is Missouri's greatest industry. Despite the dark days of the recent past, culminating in the disastrous drought of 1936, Missouri farmers have carried on, and now look with hope and undaunted courage to the future. Fortunately, we have in the White House a President who understands the country's agricultural needs, a man who has given the farmers of the United States more constructive legislation and genuine help than any of his predecessors.

I bespeak at your hands careful consideration of the farmer's problems, especially relief from excessive taxation, and direct help for those who are still suffering from the effects of the drought.

In order to carry out the purposes of the "Soil Conservation and Domestic Allotment Act" of the Federal Government I recommend that the 59th General Assembly enact legislation to secure full advantage of the cash benefits to our Missouri farmers under this statute. Under the terms of the Federal Law, such state legislation will be necessary before December 31, 1937, at which date Federal supervision changes to state supervision.

The State should also give full cooperation to the Federal Government in its program for forestry and other land use problems, predatory animal control, diseases and insect pests affecting plant and animal life, and rural electrification.

Agricultural education is an important feature of our State educational system. The State College of Agriculture and experiment stations should receive adequate support and there should be full cooperation with the National Government in extension work and vocational agriculture. The Missouri Department of Agriculture is conducted for the benefit of Missouri farmers and should be kept up to date. Where existing laws dealing with the agricultural industry are in need of revision in order to bring them up to date, they should receive your careful consideration.

#### AIRPLANE REGULATION

I favor legislation by the State to promote the development of aviation in Missouri, and for the safety of those engaged in flying, either as passengers or operators of airplanes within the borders of the state. Such regulations as are adopted should conform with Federal requirements and be consistent with the aviation laws of other states. Missouri must take its place with other progressive states in promoting air transportation and the safety factors incident thereto.

## CANCER CLINIC AND INDIGENT HOSPITAL

Cancer now ranks second among all diseases as cause of death. In the State of Missouri approximately forty-five hundred persons died last year from this disease and it is roughly estimated that there are now fourteen thousand living cases in the State who will die of cancer within three years. Cancer now exacts a death toll twice as great as tuberculosis and the suffering entailed is far greater, yet the State of Missouri spends \$1,400,000.00 annually for the care of the tubercular, while no appropriation whatever is yet provided for the care of the cancer sufferer.

In view of the splendid results obtained by the leaders in the fight on the scourge of tuberculosis, I strongly recommend that the General Assembly consider establishing a state-wide cancer clinic for the study and treatment of this dreadful disease.

Such a clinic, with ample facilities for the care and treatment of Missouri's cancer sufferers who are financially unable to afford such treatment in their homes or at hospitals, might be established in connection with the proposed State Hospitals for Indigents. Such a hospital should be centrally located, within an easy half day's drive from any part of the state, and should be available to the humblest citizen. If located at or near Columbia, it could be operated in connection with the Medical School of the University of Missouri, thereby insuring the full four-year term of medical study and completing the facilities of the school. It would also have already available, practically without cost to the State, the staff of skilled and experienced physicians of the University.

## STATE PLANNING BOARD

The State Planning Board is a very desirable feature and should be strengthened and continued, and given a modest appropriation. It might be well to add several more civilian members.

## LEGISLATIVE COUNCIL

I recommend that the General Assembly investigate the advisability of the creation of a Legislative Council to function between sessions, perform research work, collect information and draft legislative acts for future sessions when requested by legislators.

## INCREASE OF PAY FOR MEMBERS OF THE GENERAL ASSEMBLY

I recommend that continued efforts should be made to raise the pay of the members of the General Assembly to an adequate amount. In spite of the fact that there was no organized effort back of it, an amendment to this effect was almost carried at the last election.

## COMMISSION ON ADVANCEMENT OF NEGROES

I recommend that the Governor be authorized to appoint a non-salaried commission of not less than five, nor more than nine, members, to make a survey of the economic, industrial, educational and civic needs of the Negroes of Missouri, and report its findings within thirty days.

## CO-ORDINATION OF STATE FUNCTIONS

I suggest a careful study of duplication or lack of co-ordination of state governmental functions. Any useless boards or commissions should be abolished for the sake of economy and efficiency. Consolidations of related activities should be made.

## CAPITOL GROUNDS, OFFICE BUILDING, AND REPAIR OF CAPITOL

We have a beautiful State Capitol building. It is now twenty years since its completion. We cannot afford to neglect its care or permit it to deteriorate. I recommend the expenditure of adequate amounts in its repairing and modernization.

The functions of our State government have grown to such an extent that the erection of a modern office building



to relieve the present overcrowded and unsanitary condition in the Capitol is necessary. I trust this need, together with improving and beautifying the recently acquired grounds will receive your careful consideration.

#### SUPREME COURT BUILDING

The Supreme Court Building requires a new roof. At the same time the roof is rebuilt, the outside walls should be faced with stone, in order to conform to all other buildings of the seat of government.

#### IMPORTANT LEGISLATION

In view of the fact that at this session you will be confronted with more than the usual amount of legislative problems of great importance, it is hoped that the members will restrict the introduction of bills to those of most urgent need. Cooperation of this kind will expedite the passage of the all-important measures, will shorten the session and will save the taxpayers money. This, I am sure, will meet with the approval of the members of the General Assembly.

Finally, I desire to thank the members of the General Assembly for their assistance in suggesting to me necessary and desirable legislation. Practically all the recommendations contained in this address originated either directly or indirectly with the members of this splendid body.

I want to assure you of my earnest desire to cooperate with you in the consideration of the vast problems coming before you, to the end that the 59th General Assembly will record great achievement in the State's history.

[LLOYD C. STARK.]

## FIRST BIENNIAL MESSAGE

JANUARY 4, 1939

*From the Journal of the House of Representatives pp. 13-18*

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*To the Senate and House of Representatives of the 60th General Assembly:*

You are assembled here today as the Legislative arm of our State Government, one of the three major branches through which our democracy functions.

As a representative of the executive branch I have the honor of coming before you in the manner prescribed by the Constitution of Missouri which provides that "the Governor shall give information by message of the condition of the State and recommend to the General Assembly such measures as he shall deem expedient."

We are here today in what I regard as absolute unity of purpose. Certainly no more able nor better qualified group of men ever assembled to consider the problems of state government than you members who make up the 60th General Assembly.

It is logical to expect that your knowledge of the needs of our State and your vision of what must be done to supply them will enable this General Assembly to make an outstanding record.

Events of the past two years have been of momentous importance to our State. You who compose the 60th General Assembly have a right to take courage and renewed inspiration from these events.

### RIGID ECONOMY BALANCES BUDGET

As a result of rigid economy in all Departments of our State Government, we have completed the last biennium with a well-balanced budget and with a substantial surplus in the treasury. Modern methods in keeping with the most

efficient standards in private business have been carried out in our public affairs.

We have no right to claim particular credit for being economical with the taxpayers' money, but certainly we may look with pride upon the results. The taxpayer is entitled to a fair return on his investment. That fair return can be realized only as we adhere to a policy of careful expenditure of public funds and selection of the most efficient personnel in our various State Departments.

This policy is being carried out.

Our State government is rendering more services today than ever before in our history.

Many of these additional services which have tremendously increased the cost of government were undertaken upon demand of the people. I firmly believe every state administrative officer as well as every member of the General Assembly would be gratified, indeed, if these services had not occasioned increased budgets.

As a matter of fact, I fully recognize that the major problem facing you, the 60th General Assembly, will be to continue these services to the people of Missouri and expand them where necessary in the normal course of events and still prevent an increased burden to our taxpayers.

#### TAXATION

Undoubtedly, an overwhelming majority of the members of the Senate and House of Representatives agree with me in opposition to any increases in taxation.

This question is one that calls for our undivided interest and cooperation.

On the other hand, we must give serious consideration to more efficient collection of our present taxes as a source of additional revenue. I also urge upon the General Assembly a careful study of all laws relating to taxation and collection of the revenues to determine what changes, if any, may be necessary, keeping always in mind the necessity for lessening the burden of taxation.

In my address to the General Assembly two years ago I suggested the creation of a State Revenue Department for the collection of at least the major revenues such as sales, automobile, income, inheritance, liquor and gasoline taxes. The past two years have strengthened my belief in the desirability of such a Department.

#### SOCIAL SECURITY

The General Assembly should immediately enter upon the task of revising our Social Security law. Last November the people authorized a reduction in the age limit of those eligible for old age assistance from seventy to sixty-five years. This was done so that we might continue to receive Federal aid.

I have stated many times that our objective is to give every eligible person a monthly old age assistance check, and that the average of these checks be raised to twenty dollars.

When we began making these payments in July, 1937, the State-wide average was \$12.41 per person. In December, 1938, the State-wide average was \$18.48, but in many counties the twenty dollar average had been attained or exceeded.

I believe the members of the General Assembly will agree with me that our old age assistance program is not a utopian scheme to give every aged person in Missouri a pension. Our object was, and still is, to take care of our needy aged.

Need must be the determining factor. With the age limit reduced, we can not hope to give even the needy aged a bare subsistence unless we continue to get Federal aid money.

Of course, the question of need can only be determined after careful investigation of all the facts pertaining to each individual case. It has been variously estimated that the reduction of the age limit to 65 will make necessary at least a hundred thousand new investigations to determine eligibility.

Also, as of December 31, 1938, the Social Security Commission had on file 11,000 new applications for old age assistance.

These cases should be looked into immediately to see if these people have a right to get old age assistance checks.

Besides, the Federal government requires us to make re-investigations at regular intervals so the Social Security Commission can know the exact status of every case at all times.

It must be perfectly obvious that if we are to carry out the mandate of the people expressed last November, the administrative costs of the Social Security Commission will be tremendously increased.

Furthermore, the admission of the new thousands to a state of eligibility places squarely before us the question of where we are to get the money to pay them, once their right to assistance has been established.

I urge upon the General Assembly immediate consideration of this problem. My own thought is that every needy man and woman sixty-five years of age and over must be cared for, but it must be obvious that we have not sufficient revenue, with a two per cent sales tax and Federal aid, to help aged persons whose means are ample for self-support.

Direct relief and aid to dependent children are most important parts of our far-reaching Social Security program.

In December there were 36,000 families on direct relief and 19,000 dependent children were receiving State aid.

We must continue to see that no worthy man, woman or child in this State shall be denied needed help to the limit of our resources.

These needy families and dependent children must be accorded full consideration in any revision of our humanitarian program for the security of our people.

On the subject of social security I want to give the highest commendation to the General Assembly for passage of the act setting up our Unemployment Compensation Commission.

The tremendous task of organizing the Commission's program has been completed. Its personel [sic] has been carefully chosen on the highest possible merit basis. Branch offices have been set up at points most convenient to our people.

This year our State will make unemployment benefit payments to workers who are thrown out of work by economic circumstances beyond their control.

#### HIGHWAYS

The attitude of the people of Missouri toward taxation might be interpreted to some extent by their vote against a three cent gasoline tax. My own opinion is that a tax upon gasoline is a service charge for the use of our highways and really not a tax. I still regard it as one of the most equitable means yet devised, under which those who use our highways most pay most for their use.

The ten-year road program, under which our Highway Department has operated since 1928, has expired. The General Assembly, therefore, must consider a new highway program.

As I see it, we are essentially concerned with two major points:

First, to adequately maintain our present system of highways and protect our investment in them, which is the largest in any single State enterprise and,

Second, the building of new farm-to-market roads, which are sorely needed all over Missouri.

Revenue for a highway program must come from license fees and the gasoline tax. It is essential that we have adequate revenue for preservation of our credit, retirement of our bonds and for future road development.

I believe most of our people prefer a long-range highway program, but the program must meet the needs of both rural and urban Missouri. The General Assembly must consider carefully every phase of the highway situation, past and present, in order to work out a plan for the future.

It is probable that certain types of heavy commercial vehicles are not paying a fair share of the cost of maintaining our highways under the present scale of license fees. If this is found to be true, the General Assembly has the power to correct it and should do so.

#### ELEEMOSYNARY INSTITUTIONS

Notable progress has been made during the past two years in increasing the efficiency of our eleemosynary and penal institutions. New buildings have been added to the Missouri School for the Deaf at Fulton; at the State Hospitals at St. Joseph, Nevada and Farmington; the State Sanitorium at Mt. Vernon; and the State School at Marshall.

We confidently expect that considerable saving in operating costs of our eleemosynary institutions will result from the establishment of a centralized system of accounting.

Still other practices designed to standardize routine and to reduce maintenance costs are under consideration by the Board of Managers of our eleemosynary institutions and will be adopted as rapidly as practicable.

#### PENAL INSTITUTIONS

Federal grants supplementing our ten million dollar state bond issue have enabled us to make extensive improvements at all the Missouri State Penal institutions. Before the lapse of many more months we shall see this improvement program completely finished.

A further important step in improving the method of handling law-offenders has been instituted with the creation of a Classification Board composed of recognized experts. This Board will function throughout our entire penal system.

There are two specific recommendations which I desire to place before the members of the General Assembly for consideration. I believe they will materially assist us in improving our penal institutions.

First—The statutes must be strengthened to insure that first offenders only are sent to the Algoa Intermediate Reformatory. Also, these first offenders under twenty-five should be kept out of our Penitentiary. Hardened criminals must be kept out of Algoa.

Second—I have many times stated my belief that all regular employes of our penal institutions should be placed under merit service. Particularly do I believe that legislation should be enacted establishing a permanent system for prison guards, patterned after our Highway Patrol. This, I am sure, would be a far-reaching step in stabilizing prison discipline and bringing about a higher degree of efficiency in our penal institutions.

There also should be a law enacted which will make it mandatory for prosecuting attorneys to furnish a reasonably complete resume of the case with commitment papers for each person sent to our penal institutions.

#### HOUSING—SLUM CLEARANCE

The major cities in Missouri have a particular interest in participating in Federal aid now available for housing and slum clearance projects. The General Assembly should enact, at the earliest possible moment, whatever enabling legislation may be necessary so that those cities which wish to do so may set up housing authorities and avail themselves of Federal grants.

#### PUBLIC HEALTH

Outstanding of all our accomplishments for the general welfare of the people is the State program for cancer control now nearing completion.

Last month the cornerstone was laid for the new Ellis Fischel State Cancer Hospital at Columbia, the first State institution of its kind in the United States.

Two of the many clinics provided for in the act by the 59th General Assembly which established the Cancer Commission and defined its scope, already are open in St. Joseph



and Fulton and available to indigent cancer sufferers without cost to them.

As the result of the acts of the 59th General Assembly, we have begun construction of a new State hospital for the treatment of trachoma at Rolla which, when completed, will enable that institution to be of greater service. In this work, as well as in cancer control, Missouri has blazed the trail for other states.

Prevention of disease is far more important than treatment or cure. In this connection the General Assembly might well consider a program for control of venereal diseases so that, if funds permit, the services of our Department of Health may be extended to serving greater numbers of people.

Legislation also should be enacted providing that all persons engaged in handling food in public or commercial kitchens be required to submit to periodic health examinations.

#### CARE OF THE BLIND

There are now about 4,000 blind persons in Missouri who receive a pension of \$25.00 a month each from the State.

The indicated revenue of the Blind Pension Fund may possibly be sufficient to cover the pension requirements only. But there will be no funds from this source with which to conduct the present activities of the Missouri Commission for the Blind.

These activities include necessary investigations of each case before payment of pensions; prevention and cure of blindness; teaching of blind persons in the home; industrial training of the blind in the home; and maintaining workshops for the blind.

The General Assembly should carefully consider the possibilities of transferring these activities, wholly or in part, to other established State agencies such as the Social Security Commission, the Board of Health and the vocational training program under the Department of Education.

Serious thought should be given by the General Assembly to a program through which the blind will be adequately cared for to the limit of our resources, both State and Federal.

#### CHILD WELFARE

Recently there was appointed a Children's Code Commission composed of members of the General Assembly and representative citizens at large. This Commission has been created to codify all statutes pertaining to child welfare; to correlate the activities of individuals and groups in this particular field and to make their findings public from time to time.

I am confident the Commission will supply valuable information and help to the General Assembly. I have great faith in the ability of its members and I know the General Assembly will give the most serious consideration to the Commission's recommendations.

#### LAW ENFORCEMENT

There is no question of more far-reaching importance to a greater number of our citizens than that of law enforcement.

Recent events in this State emphasize most strongly the necessity for renewed efforts against lawlessness. The subject is one of many ramifications but almost invariably reverts to the statutes through which crime and criminals should be controlled.

There are many instances to prove that determination on the part of law enforcement officials will check crime. A notable example is the fact that slot machines have been effectively banished from our State.

In many other ways through vigorous and prompt action by public officials, crime has been materially lessened. I intend to spare no power at my command to make Missouri unsafe for the racketeer, the gangster and the criminal. In this, I am confident I have the support of all decent citi-

zens and every conscientious public official in our great commonwealth.

It is a notable fact, however, that too many of those who break our laws are able to evade, if not entirely escape, the penalties of Justice through lack of law enforcement. Protection of the lives and property of our citizens is a matter of grave concern to the General Assembly and the people.

I recognize the vast amount of work involved in a study of our criminal laws with the view of correcting their defects. But in the limited time at your disposal I do believe the General Assembly can render outstanding services to the people of Missouri by at least beginning a revision of criminal statutes.

Enforcement of our liquor control laws also is another problem the General Assembly must consider. Serious study should be given to these laws so that they may be simplified and clarified with the view of bringing about more effective enforcement.

#### AGRICULTURE

The fullest possible consideration should be given by the General Assembly to all problems with which the farmers of Missouri are now confronted.

Particularly do I commend to you the task of working out a soil erosion and conservation measure which will be acceptable to Missouri farmers and enable them to take full advantage of all Federal assistance.

Moreover, we should give our fullest consideration to the preservation of our forests and to practical land use problems as well as predatory animal control, disease and insect eradication projects and the important matter of rural electrification.

Frequent consultation with farm leaders is necessary in working out our legislative program. Moreover, we must conform to a large degree with the agricultural program of the Federal Government.

In our Department of Agriculture I am certain that Missouri farmers have a highly useful instrument for good.

This Department, as well as our State College of Agriculture, Extension Service and Experiment Stations are designed and conducted to be of maximum service to the farmers.

The General Assembly will, I am sure, accord the farmers of Missouri full opportunity to express their desires and will shape legislation to meet present needs so far as practicable.

#### HONEST ELECTIONS

The 59th General Assembly is to be congratulated upon passage of laws that have brought about more efficient election methods as well as more honest elections.

The 60th General Assembly should give careful study to these methods and the election statutes generally to strengthen them wherever possible and extend their scope of influence.

#### LEGISLATIVE COUNCIL

The General Assembly should give the most serious consideration to legislation creating a Legislative Council. I am convinced that a Legislative Council would materially expedite the work of the General Assembly in the future and would result in considerable saving.

#### INTERSTATE COOPERATION

The complex economic and social problems which exist now and continue to arise make it imperative that we maintain the closest possible relationships with the other States in our great Union. I recommend the General Assembly enact legislation which would enable Missouri officially to become a member of the Council of State Governments now established and functioning. I believe by so doing we will definitely improve our social, political and economic welfare. Thirty-five states now belong to this Council of State Governments.

I respectfully call to the attention of the General Assembly the fact that this is a Revision Session. The Revision

Commission has rendered a notable service. It completed its work in Jefferson City ahead of schedule and for \$16,000 less than the amount of its appropriation.

I know you realize that the progress of our State depends upon the program you establish. I submit that never before in Missouri's history have there been so many accomplishments for the welfare of people generally as were made possible by the last two sessions of the General Assembly.

But there is much yet to be done.

You are here to serve your people and your State to the best of your ability. In all matters wherein our united thought and action can accomplish this, I pledge you my wholehearted support.

During your deliberations, if the necessity arises, I shall submit other suggestions of a legislative character for your consideration.

[LLOYD C. STARK.]

## EXTRA SESSION MESSAGE

JULY 22, 1940

*From the Journal of the House of Representatives,  
Extra Session, pp. 5-7*

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*To the Senate and House of Representatives of the 60th General Assembly:*

By virtue of the authority vested in me by the Constitution of this State, on July 10th I issued a proclamation convening this General Assembly in extraordinary session. I issued this call for the purpose of meeting the impending emergency whereunder, in the absence of prompt action, the State would be compelled to discontinue within ten days from now that important phase of our public assistance program designated as "direct relief."

The allotment for direct relief for the current month of July has substantially exhausted the appropriation for this purpose made by the 60th General Assembly in its regular session.

For the biennial period 1937 and 1938 there was appropriated \$9,000,000 for this purpose and the expenditures for those two years, under able administration, required over \$8,900,000.

In the Executive Budget for the current biennium of 1939 and 1940, I recommended a similar appropriation of \$9,000,000 and in my message to the 60th General Assembly I made this statement:

"We must continue to see that no worthy man, woman or child in this State shall be denied needed help to the limit of our resources."

Early during the regular session of the 60th General Assembly, the Legislature, by joint and concurrent resolution, authorized expenditures for direct relief at the rate of \$500,000 per month, pending the passage of the final appropriation.

During the first six months of 1939, prior to final passage of the appropriation bills, expenditures for direct relief were substantially below the amount authorized by this resolution, averaging about \$423,000 monthly.

This monthly authorization was at the rate of \$12,000,-000 for the biennium, approximating the original budget request of the State Social Security Commission.

When the General Assembly adjourned after having appropriated only \$6,500,000 for direct relief, it was perfectly apparent this money could not last until the end of the biennium without drastically reducing public aid to a point which would result in widespread suffering.

The Social Security Commission took all reasonable steps to curtail relief expenditures to a minimum consistent with meeting the barest necessities of the needy people of our State to whom other forms of public assistance are not available.

The needs were met from month to month by the Social Security Commission under authority granted by me in my determination that no one in this State would go hungry while I am governor.

On July 27, 1939, approximately one month after adjournment of the Legislature, in recognition of the fact that the direct relief appropriation was entirely inadequate, I authorized the Social Security Commission to expend, *if absolutely necessary*, the sum of \$4,500,000 for the year 1939.

This would have left only \$2,000,000 for the year 1940 under the original appropriation made by the General Assembly. The actual expenditures for 1939 were only \$4,173,-000, leaving \$2,327,000 for direct relief expenditures for the balance of the biennium.

The entire appropriation has now been exhausted.

The task of this General Assembly is to make an appropriation of an amount sufficient to meet requirements for the period from August 1st to December 31, 1940.

The needs for the remaining five months of this year must be determined on a month-to-month basis consistent with the established policies of administering this program.

As a basis of comparison, I wish to call your attention to the fact that during the corresponding five months of the year 1939—the last five months of that year—allotments for direct relief under the restricted program then in effect amounted to approximately \$1,379,000.

The Social Security Commission has suggested to me that an appropriation of \$1,500,000 would be a reasonable provision for the requirements of the last five months of this year. I have given careful study to a report submitted to me and I hereby recommend an appropriation of that amount.

This appropriation can be met out of the existing balance and the anticipated receipts of the General Revenue Fund for the remainder of the current biennium.

It will not be necessary to disturb school funds or to levy additional taxes.

In order to demonstrate the feasibility of making this appropriation, the State Budget Department has prepared, for the information and guidance of the Appropriations Committees of the Senate and House of Representatives, certain detailed statements. These statements set forth the actual transactions through the General Revenue Fund for the first eighteen months of the biennium, the status of the fund as of June 30, 1940, and the anticipated receipts and disbursements through the fund for the last six months of this year.

These statements have been carefully prepared on a conservative basis.

To sum up the status of the General Revenue Fund, I wish to give you a few of the figures, in approximate amounts, as set forth in detail in the statements to which I have referred.

On June 30, 1940, we had a balance of \$2,715,000 in the General Revenue Fund as shown by the books of the State Auditor, after taking care of the June payroll.



We estimate the net receipts of the General Revenue Fund for the six months ending December 31, 1940, after deducting the one-third going to the schools, will aggregate \$13,867,000. The share of the schools in the ordinary revenue receipts for this period of six months would be over \$6,600,000.

The estimate of \$13,867,000 as the net General Revenue receipts for the last six months of this year compares with \$13,340,000 for the last six months of 1939. This indicates an anticipated increase of only \$527,000 and this is fully justified by the present trend of tax collections.

The balance of \$2,715,000 as of June 30, together with the net estimated receipts of \$13,867,000 for the last six months indicates that the total estimated available General Revenue funds for the last six months of this year will aggregate \$16,582,000.

We now have behind us three elapsed six-month periods in this biennium. During the past eighteen months we have spent, out of current appropriations, about \$44,500,000. That makes an average of about \$14,834,000 for each of the three periods of six months. That average is a little above what we spent for the first six months of this year.

We must, of course, estimate what the disbursements will be for the six months still remaining in this biennium, assuming that an appropriation is made to meet the normal requirements of direct relief during this period.

Based on the average semi-annual disbursements of \$14,834,000 which I have just recited, an estimate of \$15,500,000 for the last half of this year seems perfectly ample.

If we deduct this estimate of \$15,500,000 for disbursements from the total of \$16,582,000, representing the total estimated available General Revenue funds for the remaining six months of the year, there still remains a balance of \$1,082,000 which is the estimated cash balance for December 31, 1940.

This will be more than enough to cover the outstanding bills at the close of this biennium which will be paid in the ordinary course of business early in 1941.

Under the plan as I have presented it to you, we will be able to meet our direct relief obligations and avoid any deficit without curtailing other forms of public assistance, disturbing funds allocated to the public schools, or interfering with the normal operations of any state department. In closing, may I call your attention once more to the urgent need for prompt action in dealing with the emergency which has made necessary the convening of this extra session of the General Assembly.

In order to expedite your deliberations, I wish to place at your disposal the facilities of the State Budget Department for additional financial information which may be desired.

I assure you I stand ready to cooperate fully in any manner in which I may be of service.

[LLOYD C. STARK.]

## SECOND BIENNIAL MESSAGE

JANUARY 15, 1941

*From the Journal of the House of Representatives, pp. 52-60*

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Preface

- No. 1 These are tragic times for the people of all the world.
- No. 2 As I wrote this message at my window in the governor's office looking out over the great Missouri River Valley watching the river quietly flowing to the sea, and with the sunlight playing on the Missouri River bluffs beyond—everything so peaceful and serene, I thought how impossible it was for us to realize the imminence of the grave peril confronting us today.
- No. 3 We, the American people, are now faced with the greatest emergency in the entire history of the United States.
- No. 4 This legislature—you ladies and gentlemen assembled here this afternoon—are faced with the gravest responsibility that ever confronted any legislature assembled in the State of Missouri.

*To the Senate and House of Representatives of the 61st General Assembly:*

It is my privilege and my obligation under the Constitution, as the outgoing Chief Executive of the State, to come before you at this time and report on the condition of the State, and to recommend such measures as my experience in this high office have shown to be expedient and necessary.

During the sessions of the 59th and 60th General Assemblies some of the most important legislation in the history of Missouri was enacted into law. Many of you served as members of one or both of those history-making Legislatures.

I take this occasion to thank you, individually and collectively, for the splendid cooperation you gave me as Governor. I am sure the people of all Missouri share my pride in your unprecedented accomplishments.

In that impressive record of constructive legislation there lies a challenge and an inspiration for the members of succeeding General Assemblies.

#### NATIONAL DEFENSE

The most important business before the people of Missouri at this critical juncture of our national history is full and complete cooperation in the great National Defense Program.

We in Missouri are carrying on in the great tradition of our State, which always has been among the first to respond to any patriotic call to service and which has supplied so many great leaders to the Nation at critical moments in its destiny.

During the World War, the four key positions under the President were held by Missourians: General John J. Pershing was Commander of the American Army in France; Admiral Robert E. Coontz was chief of Naval operations; General Enoch Crowder was Director of the Draft; and Champ Clark was Speaker of the House of Representatives.

Soon there will be unveiled in this very chamber a portrait of one of those four distinguished sons of Missouri who played roles second only to that of the President himself in guiding the fate of the nation during that crucial period. I refer to that great statesman and patriot, the late Speaker of the National House of Representatives, our beloved Champ Clark.

We honor him, together with General Pershing, Admiral Coontz and General Crowder, as outstanding representatives of a state which supplied thousands of other patriots to the nation in that grave hour and offered its full resources for the success of the common cause.

Today our eyes are once more turned on strife-torn Europe and our minds are filled with grave misgivings as to

what the future may bring. This time, let us hope and pray, America will not be drawn into the actual conflict, but let us also be mindful that to avoid the peril which threatens our national security and our democratic way of life, we must be strong—so strong no aggressor nation ever will dare attack us.

That is why Missouri must continue to do its full share in building up our national defenses.

#### NATIONAL GUARD

Four years ago there was no crisis in world affairs to make us realize our own national existence might eventually be threatened. Nevertheless, the trend of world events was sufficiently alarming so that I even then felt impelled to recommend that "our Military establishment—the Missouri National Guard and the Missouri Naval Reserve—in view of existing alarming world conditions, should receive special attention at the hands of the General Assembly."

In view of recent developments, the Legislature is to be commended for enacting a new law which placed the responsibility for administration of the National Guard establishment in the hands of one officer, the commanding general. Your provision for financing new armories also proved to be a wise and farsighted enactment, with 22 armories completed or nearing completion at the present time.

#### MISSOURI MILITARY RESERVE FORCE

Effective work has been done in organizing a statewide Reserve Military Force to replace National Guard companies and the roster of such units is now virtually complete throughout the state. Missouri was the first state to organize Reserve Military Units in the present emergency.

#### SELECTIVE SERVICE PROGRAM

Start of a national Selective Service Program found Missouri ready and anxious to co-operate. I am deeply gratified at the response to my invitation to outstanding

citizens in all parts of Missouri to serve on Selective Service boards and on various advisory groups.

#### NATIONAL DEFENSE INDUSTRIES

Missouri is co-operating with federal authorities in solving housing, policing and transportation problems created by the establishment of important National Defense industries in the State, and by the construction of a huge army camp in South Central Missouri. Procurement of this camp resulted from conferences held by the Governor and the Adjutant General with War Department officials over a period of several years, and we can properly list it as a major accomplishment of this administration.

At a meeting of State and Federal officials, together with representatives of the military establishment, which I called on December 13, a comprehensive analysis of problems attendant upon the creation of the army camp and the new National Defense industries was made.

I now submit to you the recommendations of that representative gathering, and urge you to study carefully the more detailed data which will be made available to your committees at a later time.

It is recommended that the State Highways Commission be given additional authority to abandon certain roads which traverse areas to be used for the army camp and the industries and to re-route and rebuild such roads.

It is recommended that the legal means be provided for setting up new school districts more rapidly than at present, with discretionary power for distribution of funds in certain emergency cases.

It is recommended that a law be enacted to apply the present zoning law in effect in St. Louis County to other counties, particularly in the vicinity of the army camp, in order to prevent the unchecked development of "shack towns" and other unsanitary and undesirable conditions.

Emphasis was placed on the need for additional regulatory powers for the State Board of Health, in order to

safeguard the health of our citizens in the areas under discussion. Most of these deal with added authority for enforcement of proper health measures and deserve your attention.

I specifically recommend that a study be made of all laws under which the State Board of Health operates, with a view to combining and strengthening its many functions in the light of modern health practices.

Much of the credit for bringing into our State many National Defense industries must go to the Missouri Industrial Commission which I appointed last year with this specific function in mind.

#### SOCIAL WELFARE PROGRAM

Second only to National Defense needs in importance is the great Federal-State program of social security which includes old age pensions, aid to dependent children, direct relief and other forms of public assistance made possible by appropriate legislation during the past four years.

The program is an ambitious one and properly so, for there should be no discrimination in the allotment of benefits to needy individuals. Old age assistance, aid to dependent children, general relief—all have a just claim upon our attention, if we are to have a well-rounded program of public assistance.

#### SOCIAL SECURITY ADMINISTRATIVE FUNDS

Equally important is the necessity for insuring these various forms of aid against dissipation through unwarranted claims by persons not in need or otherwise ineligible for benefits. This tremendous expenditure, running into many millions of dollars each biennium, can only be safeguarded by adequate investigation of each individual request for help. Therefore, the need for a larger administrative appropriation for the State Social Security Commission is a pressing one.

## CHANGE IN FISCAL YEAR

At the end of each biennial period a serious situation occurs, when all forms of public assistance must cease until the General Assembly convenes and passes an emergency appropriation. There is only one way to rectify this situation, and I strongly recommend that an amendment to the Constitution be prepared for submission to the people which will provide that the fiscal year for the State terminates on June 30 to correspond with the Federal fiscal year, instead of December 31.

## UNEMPLOYMENT COMPENSATION

Another federal-state program has proved its worth during the past year through the payment of more than Seven and One-quarter Million Dollars in unemployment compensation benefits to unemployed Missouri workers.

However, experience has shown that a higher employment level prevails in Missouri than in the Nation as a whole. This has resulted in the payment of benefits during 1940 of less than 40 per cent of the contributions collected from employers in Missouri as against 66 per cent throughout the nation.

It is apparent that the benefit schedule in Missouri is too low. I therefore recommend adoption of the following changes in the benefit formula:

Increase duration of benefit payments from 12 weeks to 15 weeks.

Reduce waiting period from 3 weeks to 1 week.

Increase size of weekly benefit check from 4 per cent of the high yearly quarter of wage earnings to 5 per cent of the high quarter, retaining the maximum provision of \$15 paid out in any one week.

Even with this liberalization of benefits, the amount of taxes collected would be unnecessarily high.

Missouri should, like the federal government, remove the tax on the portion of an individual worker's wages over



and above \$3,000 annually. This would save employers in the State an estimated \$1,500,000 a year.

Our law contains an employer merit rating provision which will reduce the rate of taxation on payrolls in 1942. It might be well to consider the advisability of making this provision effective this year.

The law should be amended to protect the benefit rights of workers who are called into military service.

#### MERIT SYSTEM

It is my recommendation that the merit system be extended and safeguarded by proper legislation, with a view to protecting faithful and able public servants in positions for which they are fitted and thereby insuring business-like conduct of governmental functions.

#### ONE TERM AMENDMENT

The constitution now provided [*sic*] that the Governor and State Treasurer shall serve one four-year term and shall be ineligible for re-election. This has proved an excellent safeguard against self-perpetuation in office and the building up of personal political machines.

I strongly recommend that a similar restriction be placed upon all other elective executive state offices. The legislature may find it advisable to extend the terms of these offices to six years, instead of four as at present.

To make sure this will be the established policy of the State, I suggest this General Assembly submit a constitutional amendment limiting executive elective state officials to one term. I further recommend that this General Assembly enact a statute embodying this provision, to supply the necessary remedy pending adoption of a constitutional amendment.

#### TAX-COLLECTING DEPARTMENT

There has grown up a maze of tax-collecting agencies in Missouri, as the functions of collecting each new tax was

assigned to some existing department. Many of these are overlapping and establishment of a central tax-collecting department under the direction of the Chief Executive would relieve various other branches of the State Government of duplication of effort.

I called attention to this need in my inaugural message in 1937.

A central tax-collecting agency also would certainly result in more efficient collection of tax monies and would bring about a marked reduction in the pay-rolls of various departments now engaged in this function. I strongly urge you to give serious consideration to setting up such a department.

Section 4, Article 15, of our State Constitution, adopted November 2, 1920, under the provisions of the initiative of the State Constitution, provides that:

“The question, ‘Shall there be a convention to revise and amend the Constitution?’ be submitted to the electors of the State at a special election to be held on the first Tuesday in August, 1921, and at each General Election next ensuing the lapse of twenty successive years.” I recommend that this body take the necessary action to carry out this provision of the Constitution.

#### MISSOURI HIGHWAY SYSTEM

My own interest in Missouri’s highway system goes back many years and I am sure the members of this body share my deep concern for the future of the Missouri highway system.

Missouri’s splendid system of all-weather highways should be ever kept abreast of the increasing demands for private travel and commercial transportation. The demands of the National Defense program already are placing an extra burden on the State Highway Commission, both as to up-keep and improvement of existing routes and addition of new trafficways.

It is therefore recommended that the General Assembly should take the necessary steps to maintain and extend our highway system as the need arises.

Various organizations, including Farmers' Associations, are sincerely interested in an efficient system of serviceable public roads and should be consulted.

#### BUS AND TRUCK LEGISLATION

Two years ago I informed the General Assembly that the Missouri Bus and Truck Law should be revised to meet the needs of an extensive and ever-expanding modern system of transportation by commercial motor vehicles. The present law was enacted in 1931.

Those who use the highways for commercial purposes should, in substantial measure, provide for the repair and reconstruction of the highways they wear out and destroy. Regulation for the greater safety and convenience of the public also should be investigated.

#### COOPERATION BETWEEN THE STATES

The need for cooperation between the 48 states of the Union, and between each State and the Federal Government, was never more urgent in the history of our country. The best interest of the National Defense program and the general public welfare require that legislative, executive and judicial bodies shall look intelligently and unselfishly across state lines.

I have made it one of the principal issues of my administration that there should be loyal cooperation between Missouri and her sister states, and between Missouri and the Federal Government.

#### ELIMINATE TRADE BARRIERS

I recommend that this General Assembly endorse the work of the Council of State Governments and appropriate the small sum required to give Missouri full participation in its great work of eliminating the worst menace of all to na-

tional unity—the hate-breeding, prosperity-destroying tariff walls between the states.

#### QUESTIONABLE CONSTITUTIONAL AMENDMENTS

There has grown up a practice of submitting to the people at each biennial election long and verbose constitutional amendments, often providing for involved changes in our basis [sic] law which normally would and should receive long and careful deliberation by the General Assembly.

The apparent purpose behind these questionable amendments is private gain for the promoters and revenue for distribution of printing costs. This General Assembly will be asked to appropriate \$135,240 to cover the printing of the 1940 constitutional amendments, including this questionable group which runs to excess wordage.

Conceding that this practice has been sanctioned by custom, it nevertheless has become a racket and it should be stopped. I urge amendment of the initiative petition laws to safeguard the validity of signatures to such petitions.

#### ADEQUATE COMPENSATION FOR MISSOURI LEGISLATORS

A worthwhile constitutional amendment which would have provided an equitable method of compensating members of the General Assembly for their arduous and important duties was lost in the last General Election.

I hope the good citizens of Missouri will remedy this condition when they next have an opportunity, and recommend that this body prepare a constitutional amendment to that end, to be submitted at the 1942 General Election.

#### MISSOURI AERONAUTIC AUTHORITY

I recommend that a State Aeronautic Authority be established to aid and assist in building up an air industry within the State, and to promote closer cooperation in the National Defense program.

## HIGHWAY SAFETY

The splendid accomplishments of the State Highway Department and the State Highway Patrol in their recent campaign to educate the public in safe driving and to enforce highway traffic regulations were outstandingly successful.

Spokesmen for large groups of farmers in cattle-raising sections of the State have called my attention to the lack of funds for combatting the dread Bang's disease. An appropriation of \$5,000 for this purpose was voted by the last General Assembly and was signed by me, but was ruled invalid by the Attorney General due to an error in drafting the bill. I call this to your attention in the hope that speedy relief will be afforded those deserving farmers who need help in saving their herds from the spread of this disease.

There should be an adequate appropriation to combat the spread of field bindweed into Missouri. The experience of an adjoining state, which has spent approximately a half million dollars to halt the spread of field bindweed after the plant had gotten a foothold, should serve as a warning to Missouri of the serious threat to our farm lands which the entrance of this destructive weed represents.

## ELEMOSYNARY BOARD

Considerable progress has been made in establishing more efficient management practices in our eleemosynary institutions, largely through inauguration of a central accounting system whereby financial responsibility for all institutions is centered in one auditor, working directly under the Board of Managers.

I recommend for your consideration a change in the present administrative set-up whereby the President of the Board of Managers would not function as the chief executive officer but only in his capacity as Chairman of the governing body. The Board of Managers would employ an administrator, to be appointed by the Governor with the advice and consent of the Senate, who would receive the salary now

paid the President of the Board and who would be responsible to the Board. The bi-partisan nature of the Board would be preserved.

Reduction of the cost per patient to the home county under a law enacted in 1935 has resulted in an abnormally rapid increase in the number of patients committed to state hospitals. This presents a serious problem, both as to the drain on state finances and overcrowding in the institutions.

I recommend that remedial legislation be considered at this session, with a view to determining the fair share of the cost per patient to be assessed against the home county, and the possibility of authorizing a program of outside care to supplement present institutional facilities.

#### LAW ENFORCEMENT

No report on the condition of the State, or summary of legislative accomplishments during my administration, would be complete without a reference to the great strides made toward strict enforcement of the criminal laws. Of outstanding importance was the enactment of one measure which freed the police force of Kansas City from control by a corrupt political organization which maintained an open alliance with the underworld.

No Legislature in the history of Missouri performed a more valuable service to the people of the State than did the 60th General Assembly when it passed the Kansas City anti-crime police bill.

All the good work of an honest, efficient police department, however, can be nullified by the action of a prosecuting attorney who, through wilful neglect of duty, fails to prosecute even the most ghastly felonies.

#### POWER TO APPOINT SPECIAL PROSECUTOR

Although the Governor is constitutionally charged with the duty of seeing that the laws are enforced, there exists no statute whereby he can suspend a recalcitrant prosecutor who neglects or corruptly refuses to prosecute criminals.

I urgently recommend enactment of a statute providing that when the Governor determines a prosecuting attorney or circuit attorney either neglects or refuses to enforce the criminal laws, the Governor may suspend such officer and appoint a special prosecutor who shall have and exercise all the powers of the regularly elected prosecuting officials.

#### CRIME DETECTION

I call your attention to a recent ruling by one of our Circuit Courts, holding that under present Missouri Laws police authorities do not have the right to finger print any person arrested who has not been convicted of a felony.

It can readily be seen that such a law is a hindrance to police authorities in the detection of crime and the apprehension of criminals. I recommend that proper revision of Missouri Laws relating to finger printing be made, so our police authorities will not be restrained from using this scientific aid in combatting crime.

Protection of the public from criminals demands that our police officials be permitted to utilize every modern method for the prevention and detection of crime.

#### SECRET BALLOT

It is universally known that there is no such thing as a secret ballot in Missouri under present conditions and I strongly urge that you act to put an end to this shameful state of affairs.

To secure secrecy of the ballot, I recommend some proved method of secret voting, such as the so-called "Colorado secret ballot" or voting machines similar to those installed in New York recently.

#### STATE PRINTING LAW REVISION

A recent survey made at my instruction in the public interest has disclosed careless practices in the handling of the State's printing contract which annually cost the State

many thousands of dollars. I quote from the report of an expert consultant who was employed to assist in the survey:

"The indicated excesses, however, are of sufficient size to merit serious consideration and ought to awaken all persons having to do with the procurement of printing, from the General Assembly down, to a realization that the State of Missouri is operating under a loose, archaic, indefinite, inadequate, contradictory and confusing law, both wasteful and uneconomical."

In the light of this unprejudiced report, I strongly urge immediate revision of the printing statutes in order that the interests of the State shall be completely safeguarded in the purchase of printed matter from private contractors.

#### TEACHERS RETIREMENT PLAN

I desire at this time to repeat the recommendation made in my inaugural message that a state-wide teachers' retirement plan should be established, in accordance with the constitutional amendment adopted in the 1936 general election.

#### MISSOURI AGRICULTURE

While I do not presume to submit to this body, which includes so many able representatives of our agricultural areas, a detailed program for the benefit of Missouri farmers, I do urge you to weigh carefully the fact that the welfare of the farmer is the foundation upon which all prosperity must rest, in our State and in the Nation.

As the outgoing Governor of Missouri, I know I express the sentiments of the great body of our citizens when I say that these vital matters affecting the lives and welfare of our people are left in your hands with every trust in your willingness and ability to make the proper decisions.

The two General Assemblies with which I was privileged to serve as Governor distinguished themselves largely because they fulfilled their true function as the representatives of the sovereign people of Missouri and proved themselves responsive to the popular will.



I am sure you will be equally successful in your endeavor to legislate in the best interests of the State and its people.

As I said at the beginning of this message, I am sure you realize as well as I do the grave danger confronting every free man, woman and child on the face of the earth—confronting every free American citizen today.

I am sure you realize Democracy, as a form or government, is hanging in the balance, is under fire; that free men and women throughout the world have been conquered and enslaved before our very eyes. The people of France, the people of Lafayette, who helped us gain our own freedom during the American Revolution, are now enslaved and conquered.

My friends, the danger is very real and it is here today. Your every thought and every effort should be to prove to the people of this great commonwealth that their faith in Democracy is not misplaced, that democracy does and will work in Missouri.

Nothing should be done at any time to shake the faith of our people in their democratic form of government. In these perilous times, it is doubly necessary that every public official in the state and in the nation should lean backward in an effort to serve the people strictly according to the constitution and the laws of the land, without partisan bias and with only the welfare and the safety of our democratic form of government in mind.

May God bless you and guide you in your deliberations.

[LLOYD C. STARK.]

## VETO MESSAGES

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TO THE SENATE

APRIL 3, 1937

*From the Journal of the Senate, pp. 577-578*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 3, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to hand you herewith, with my veto and without my approval, Senate Bill No. 106, entitled:

“An Act repealing Section 5272 of an Act of the 56th General Assembly, regular session, at pages 311, 312 and 313, Laws of Missouri, 1931, relating to the supervision, regulation and licensing of transportation of persons and property for hire over the public highways of the State of Missouri by motor vehicles and to enact in lieu thereof, a new section pertaining to the same subject matter to be known as Section 5272.”

I have vetoed the bill for the following reasons:

The Act repeals Section 5272 of an act of the 56th General Assembly, regular session, at pages 311-12 and 13, laws of Missouri, 1931, relating to supervision, regulation and licensing of transportation of persons and property for hire over the public highways of the State of Missouri by motor vehicles and enacts in lieu thereof a new section pertaining to the same subject matter to be known as Section 5272.

This bill provides that any motor carrier operating within Missouri and adjoining states and where the total mileage of said route in Missouri is 25 miles or less, license fees shall be one-third of the regular license fees collected

by the bus and truck department of the Public Service Commission of Missouri.

Section 5272 now provides that intra-state operators having routes of 20 miles or less in Missouri are required to pay one-half the regular fee. Senate Bill No. 106 does not change this provision. Consequently, if this bill went into effect an inter-state operator could operate 25 miles in Missouri at one-third the ordinary license fee, whereas an intra-state operator could only operate 20 miles on one-half of the regular fee.

This would be an unjust discrimination against the Missouri intra-state motor carrier in favor of the foreign inter-state carrier.

This would make the intra-state carrier pay 16  $\frac{2}{3}$  per cent more license than the foreign inter-state carrier for a 5-mile or 20 per cent shorter route.

This bill would operate to confer an unfair and undesirable exemption from taxes or license fees of inter-state carriers using Missouri highways and would form a bad precedent that might result in continual exemptions that would materially lessen the receipts of license fees for the use of our highways which license fees are collected for the purposes of the State Highway Department.

Respectfully,

LLOYD C. STARK,  
Governor.

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### TO THE SENATE

MAY 3, 1937

*From the Journal of the Senate pp. 754-756*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 3, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to hand you herewith, with my veto and without my approval, Senate Bill No. 5, entitled:

"An Act to create a statute revision commission, to provide for the manner of its appointment; to provide for the duties of said commission; to provide for the tenure of office of said commission, the time in which to make its report to the general assembly, and what the report shall include; to provide for the taking of an oath by the members of the commission; to provide for the organization of the commission; to provide for the furnishing of necessary stationery and supplies by the secretary of state, and for the suitable rooms and offices to be provided by the board of permanent seat of government; to provide for the employment of necessary assistance and the payment for the same; to provide for per diem and expenses of each member of the Commission; with an emergency clause."

I have vetoed the bill for the following reasons:

Section 1 of Senate Bill No. 5 reads as follows:

"Section 1. That a Statute Revision Commission, to consist of sixteen (16) members is hereby created; seven (7) of whom shall be appointed by the President pro tem. of the Senate, and seven (7) of whom shall be appointed by the Speaker of the House; provided that not more than five (5) of each seven (7), shall belong to the same political party, together with the President pro tem. of the Senate and the Speaker of the House."

Sections 2 and 3 of Senate Bill No. 5 prescribe the official duties of said Commission as follows:

"Section 2. That it shall be the duty of said commission to prepare and submit to the 60th General Assembly of the State of Missouri, bills in the form of proposed legislative enactments condensing the Revised Statutes of Missouri, 1929, and the subsequent session acts, by eliminating therefrom all duplicate, obsolete, conflicting, unconstitutional and ambiguous statutes, and harmonizing and revising the statutes of Missouri. The proposed legislative enactments reported by the Commission, shall be respectively accompanied by a brief statement of the purpose and reason for the same."

"Section 3. Said commission shall be appointed immediately upon the taking effect thereof of this act for a period expiring November 30th, 1938, and shall have prepared and submit to the members-elect of the 60th General Assembly a complete report of all of said proposed legislative bills and recommendations on or before the 15th day of November, 1938."

Section 41 of Article IV of State Constitution requires that a revision of the statutes be made every ten years. This section was amended, and as amended is to be found in Session Laws of Missouri, 1933, page 479; and this amendment provides:

"In the year 1939 and every ten years thereafter all statute laws of a general nature, both civil and criminal, shall be revised, digested and promulgated in such manner as the General Assembly shall direct."

Whether it be considered that Section 41 of Article IV of the State Constitution, as amended, or Section 41 of Article IV of the State Constitution as it stood before the amendment is now operative, in any event the statutes of the State must be revised in 1939.

The object of Senate Bill No. 5 is a commendatory one, to-wit, to provide in advance a revision of the statutes in condensed form to be submitted to the 60th General Assembly so that action thereon by said body may be conducted in an orderly and prompt manner to the end that the work may be completed within the time allowed by the Constitution for the Session of the General Assembly which convenes in 1939.

Section 12, Article IV of the Missouri Constitution provides:

"No Senator or Representative shall during term for which he shall have been elected to be appointed to any office under this State."<sup>1</sup>

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<sup>1</sup>This section is incorrectly quoted in the *Senate Journal*. It should read: "No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office under this State, . . ." (See: *Revised Statutes of Missouri*, 1929, Vol. I, p. 82 )—Ed.

If the creating and governing power of an office is a State law, then it is an office under the State, and an officer who derives his powers directly from a statute and performs his duties in obedience to it, is an officer under the State.

Applying the above test to Senate Bill No. 5, we find by Section 1 of the Bill that the Commission is created by an Act of the Legislature; Section 2 prescribes the duties of the Commission; Section 3 fixes the term for which Commission shall serve; Section 4 prohibits the Commission from altering express policy of the State; Section 5 requires Commission members to take same oath of office as members of the General Assembly; Section 7 requires Secretary of State to furnish necessary stationery and supplies to the Commission; Section 8 directs Board of Permanent Seat of Government to provide and furnish suitable offices in State Capitol Building for use of the Commission; Section 9 provides the compensation members of the Commission shall receive.

The Commission is clearly created by a State law and the members of the Commission will derive their powers directly from a State statute and perform their duties in obedience to it; and, consequently, Senate Bill No. 5 creates an office under the State.

Setting aside the question of whether or not the provisions of Section 16 of Article IV of the State Constitution forbidding payments in excess of Five Dollars per diem to Committees of either house of the General Assembly or any officer or agent or employee thereof, and waiving the question of legal effect of lack of power in one General Assembly to bind a succeeding one, it is my opinion, Senate Bill No. 5, by naming the President pro tem. of the Senate and Speaker of the House as members of the proposed Commission, violates Section 12 of Article IV of the State Constitution and therefore Senate Bill No. 5 is invalid and hence I am forced to veto it and return it herewith without my approval.

I suggest that in my opinion the Constitution of the State should be amended by providing for appointment of a Commission in advance of each of the Revision Sessions of the General Assembly to do the work provided for by

Senate Bill No. 5, and such amendment should be submitted to the voters of the State for approval at the next General Election in 1938.

Respectfully,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 10, 1937

*From the Journal of the Senate, pp. 812-814*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 10, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to hand you herewith, with my veto and without my approval, Senate Bill No. 173, entitled:

"An Act to repeal Sections 4952 and 4953 of Article 7, Chapter 32, Revised Statutes of Missouri, 1929, relating to increase of capital stock, and enacting in lieu thereof two new Sections to be known as Sections 4952 and 4953 pertaining to the same subject matter and prescribing the procedure for the issuance of preferred stock, the redemption thereof, change of dividend rates, and the manner of fixing priorities and preferences and series of said stock."

I have vetoed the bill for the following reasons:

Senate Bill No 173 relates to issuance of preferred stock and the redemption thereof, the change of dividend rates, fixing of priorities and preferences, and issuance of series of preferred stock; and repeals existing provisions, Sections 4952 and 4953, Revised Statutes of Missouri, 1929, relating to increasing capital stock and issuance of preferred stock.

Section 10 of Article XII of the State Constitution forbids issue of preferred stock without consent of all of the stockholders.

This Bill authorizes issuance of preferred stock if the *stockholders, entitled to vote*, all vote for it.

The qualifying words in the Bill—"Those entitled to vote" are not in my opinion the legal equivalent of the words in the Constitution requiring all of the "stockholders" to vote for issuance of preferred stock.

I am of the opinion, the provision for issuance of preferred stock by vote only of *those entitled to vote* violates Section 10, Article XII of the State Constitution.

Another provision of the Bill authorizes the stockholders to invest the Board of Directors with power to issue preferred stock in series; fix dividend rates, price and terms of redemption and liquidation value, voting power, and create retirement fund. I seriously doubt if stockholders can legally delegate this power to a Board of Directors. The absolute prohibition of Section 10, Article XII of the State Constitution, forbidding preferred stock being issued, except by unanimous vote of *all* the stockholders is a clear declaration of the public policy that no power except the unanimous consent of all the stockholders should be sufficient to authorize the issuance of preferred stock. The providing of this constitutional method (which is self-executing) for issuing preferred stock, it occurs to me, excludes all other methods. But as a matter of public policy, I do not wish to approve of vesting a Board of Directors with unlimited power to issue preferred stock.

Another provision of Senate Bill No. 173 authorizes a corporation by a two-thirds vote of the holders of each class of its outstanding preferred stock to reduce the redemption price of said stock and to alter the liquidation or dissolution value of said preferred stock and reduce the dividend rate thereon.

When the preferred stock was issued, and its preferences, priorities and the retirement value fixed at the time of its issue, this transaction constituted a contract between the corporation and the stockholders of that class; and this contract cannot, in my opinion, be violated by an Act of the Legislature authorizing a corporation, by an affirmative



vote of two-thirds in interest of the holders of each class to alter the contract between the stockholders themselves and between the stockholders and the corporation. The contract between the stockholders and the corporation can only be altered by an unanimous consent of all the shareholders of each respective class of preferred stock.

It is true, the State has a reserved power to amend the charter of a corporation even by a general law in this State. But the State, under the reserved power to amend a corporate charter, is not authorized to enact a statute which would impair the contractual relation or rights of the stockholders among themselves. The constitutional provision against impairing the obligations of contracts and providing for due process of law, and compensation for property all stand between the State and the stockholders.

The provision of the Bill, authorizing the corporation by a two-thirds vote of stockholders of any class of preferred stock, to make the above named alterations in the contractual relations between the stockholders themselves and between the stockholders and the corporation created by issuance of the stock to shareholders and payment therefor under conditions of its issue, in my opinion, violates the contract between the stockholders themselves and between the stockholders and the corporation, and is forbidden by the constitutional prohibitions against impairing and violating the obligation of contracts.

Another provision of this Bill authorizes, by a vote of stockholders *entitled to vote*, redeeming or retiring preferred stock out of surplus and pay therefor out of its capital or charge against its capital an amount equal to the capital represented by the redeemed or retired shares, provided remaining corporate assets are sufficient to *pay any of its debts* not otherwise provided for. This provision first allows distribution of a part of the capital among a certain named class of preferred stockholders; it does not require the assets remaining after such redemption shall be sufficient to pay *all corporate debts*, but the language is "sufficient to pay any of its debts not otherwise provided for." I do not think

even the unanimous vote of all the stockholders should be allowed to empower a corporation to take a part of its capital and pay same to a *particular class* of its *preferred* stockholders without leaving beyond question a sufficient amount as corporate assets to *pay all corporate debts*.

It is my opinion, Senate Bill No. 173 by authorizing a corporation, by a two-thirds vote of the holders of any class of its preferred stock, to alter the dividend rate thereon, change the liquidation or dissolution value thereof, take away the right theretofore given of cumulative voting, reduce the redemption price of such outstanding preferred stock, or reduce the amount payable to stockholders on dissolution or liquidation of the corporation, violates Section 10 of Article II of the United States Constitution forbidding a State to enact a Statute impairing the obligation of a contract.

I am also of the opinion, the part of Senate Bill No. 173, authorizing the corporation, by vote of *those shareholders entitled to vote*, to issue preferred stock, violates Section 10, Article XII of the State Constitution providing:

“No corporation shall issue preferred stock without the consent of all the stockholders.”

I am of the opinion it is contrary to sound public policy to vest the Board of Directors of a corporation with full power to issue preferred stock, and provide price therefor, terms thereof and voting power and redemption value and especially so with the other provision in this bill that two-thirds of any class of preferred stockholders could reduce the dividend rate, take away the right to cumulative dividends and reduce the liquidation value of said stock.

For the reasons above set forth, in my opinion, Senate Bill No. 173 is invalid and hence I veto it and return it herewith without my approval.

Respectfully,

LLOYD C. STARK,

Governor.

## TO THE SENATE

MAY 10, 1937

*From the Journal of the Senate, pp. 814-816*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 10, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to hand you herewith, with my veto and without my approval, Senate Bill No. 10, entitled:

"An Act to permit the use of water withdrawn from navigable streams and navigable waters for irrigation purposes by and with the consent of riparian owners to be diverted, stored and used for irrigation upon other tracts and lands."

I have vetoed the bill for the following reasons:

In Missouri, waters, in their natural state, of sufficient capacity to float logs to market, are legally navigable and, therefore, the provisions of Senate Bill No. 10 apply to all the larger and a great many of the smaller streams of the state.

By consent of one owner of land bordering a stream, the Bill authorizes water to be withdrawn and conveyed to any land located within or *without the State* and stored and used upon said distant tracts and lands "*in the same manner and to the same extent as if said lands or tracts bordered on said stream.*" This gives the right to withdraw water from a stream and convey it any distance and *use it for any purpose for which the owner of land bordering on the stream could use the water.* An owner of land bordering a stream may use it for irrigation, for domestic and stock purposes, or for generating power; and, therefore, the water withdrawn from a stream, under this Bill, could be conveyed any distance and stored at points within or without the State, and used for irrigation, for domestic and stock purposes, and for generating power or driving any kind of machinery.

The Bill therefore deals with two subjects: First, use of water for irrigation on lands located either without or within the State and remote from the stream from which withdrawn; second, the use of water on lands located either within or without the State, and remote from the stream from which withdrawn for generating power and for domestic and stock purposes.

The Title of the Bill deals only with the use of water for irrigation purposes while the body of the Bill deals with the use of the water for irrigation and also for generating power and for domestic and stock purposes. The Bill, therefore, deals with subjects not expressed in the Title and deals with more than one subject.

The Constitution provides: "No bill . . . shall deal with more than one subject which shall be clearly expressed in its Title."

This Bill, therefore, in my opinion violates Section 28, Article IV of the State Constitution forbidding the inclusion, in a Bill, of more than one subject and requiring the subject thereof to be clearly expressed in the Title.

The land legally irrigable by water from a stream is bounded by the water-shed thereof. Therefore, one owner of land bordering on the stream cannot, by his consent, give authority to withdraw water from the stream for use beyond the water-shed. Absent a legally enacted statute on the subject, there can be no withdrawal of water from a stream for use beyond the stream's water-shed except by unanimous consent of all owners of land bordering the stream. This Bill attempts, by legislation, to convey to one owner of land bordering the stream the power, by his consent, to legalize withdrawal of water from the stream for use beyond the water-shed thereof; the Legislature has no such power because each and all of the owners of land bordering a stream have the right to continuous flow of the water through or by their lands in its ancient and accustomed manner and this right is "property" of the landowner and within the same constitutional protection which safeguards all other property; and any legislation diverting this water from its

usual channel for public uses, beyond the water-shed of the stream, must provide for payment of just compensation to the owners of land bordering the stream. If the water is to be so taken for private use beyond the stream's water-shed, it cannot be done through legal enactment, either with or without provision for compensation because the State Constitution prohibits it.

The Bill makes no provision for compensation of owners of land on borders of stream from which water is to be diverted for use beyond the stream's water-shed, and the Bill is therefore, in my opinion, invalid on this ground.

It is my opinion, Senate Bill No. 10 violates Section 28 of Article IV of the State Constitution because the Bill deals first, with withdrawal of water for irrigation uses beyond the stream's water-shed; second, the Bill deals with withdrawal of water for uses beyond the stream's water-shed to generate power and for domestic and stock purposes; and therefore the Bill contains more than one subject.

The Bill provides water may be withdrawn for use beyond the water-shed and provides no compensation for owners of land bordering the stream for damages arising from such diversion of water and therefore violates the constitutional provision forbidding injury to or taking of private property for public use without compensation.

And the Bill authorizes water to be withdrawn in an unlimited quantity for an unnamed period of time and conveyed to another State to be used for irrigation, for domestic and stock and power purposes. And this, as a public policy, I am not willing to approve. For the foregoing reasons I veto Senate Bill No. 10 and return it herewith without my approval.

Respectfully,

LLOYD C. STARK,

Governor.

*TO THE HOUSE OF REPRESENTATIVES*

MAY 14, 1937

*From the Journal of the House of Representatives, pp. 971-972*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 14, 1937.

*To the House of Representatives of the 59th General Assembly  
of Missouri:*

I have the honor to hand you herewith, with my veto and without my approval, House Bill No. 22, entitled:

“An Act to repeal Section 3735 of Chapter 29, Article 14, of the Revised Statutes of Missouri, 1929, relating to criminal procedure in the filing of a motion for a new trial, and to enact in lieu thereof a new Section to be known as Section 3735, and relating to criminal procedure in the filing of a motion for a new trial.”

I have vetoed the bill for the following reasons:

The existing statute has been in force for several years and is, in my opinion, adequate to protect the rights of defendants in a criminal cause.

The first sentence of the existing statute, and which House Bill No. 22 seeks to eliminate, reads as follows:

“The motion for new trial shall be in writing and must set forth in detail and with particularity in separate numbered paragraphs the specific grounds or causes therefor. . . .”

It is objected in some legal circles that this part of the existing statute, as construed by the Supreme Court, does not give sufficient time to counsel for defendant to prepare in detail in accord with the rulings of the Court, in separate numbered paragraphs, the specific grounds or causes on which a new trial is asked.

This objection, when examined, discloses that it is not a direct charge that requirement of specific grounds or causes,

on which a new trial is asked, be set forth with particularity is an unreasonable provision, but that the time within which the counsel for defendant is allowed to prepare and file same is too short.

Although I believe existing law amply protects defendant's rights, I suggest if Section 3735, Revised Statutes of Missouri, 1929, be amended as follows it would overcome any objection thereto on ground that four days is too short a time for attorneys to prepare and file the required motion for a new trial:

“Provided, on application of defendant, the Court shall extend the time for filing such motion for a period of thirty (30) days; provided, further, the Court shall have no power to make another or further extension of the time for filing said motion.”

For the reason, I deem the existing law governing the filing of a motion for a new trial in a criminal case adequate, I veto House Bill No. 22 and return it without my approval.

Respectfully,

LLOYD C. STARK,  
Governor.

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## TO THE HOUSE OF REPRESENTATIVES

MAY 27, 1937

*From the Journal of the House of Representatives, p. 1092*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

MAY 27, 1937.

*To the House of Representatives of the 59th General Assembly of Missouri:*

I have the honor to return herewith, with my veto and without my approval, House Bill No. 351, entitled: “An Act providing that any city, in this State now or hereafter having a population of 600,000 or more inhabitants

shall have the power and are hereby authorized to create and establish a pension fund for the pensioning of members of any organized fire department and the widows and minor children of deceased members thereof of such cities, and to create a fund to be set apart for such purpose, said funds to be taken from the revenues of such cities."

I have vetoed the bill for the following reasons:

All cities, including those of 600,000 population or more, can by the existing statutes create a firemen's pension fund and place one per centum of municipal revenue received from city licenses therein, and can also, by a vote of the people, levy an annual property tax of one-fifth of a mill for firemen's pension fund, and, under Section 3935, Revised Statutes of Missouri of 1929, an assessment can be made for firemen's pension fund in such cities of one per centum of the monthly payroll of firemen and this may be increased, under certain conditions, to two per centum.

The existing law limits the amount of municipal revenue which may be set aside, in said cities, for firemen's pension to one per centum of city license fees.

House Bill No. 351 gives cities, now or hereafter having 600,000 inhabitants or more, power to establish by City Ordinance, without a vote of the people of the City, a firemen's pension fund and take from all the sources of municipal revenue of such city an unlimited amount of money and place it in the firemen's pension fund.

Such power should not be given by the State Legislature. If unlimited power to use all classes of municipal revenue for firemen's pension fund is to be given a City Council, such power should be given only by a vote of the people of the cities affected, and not merely by an Act of the Legislature. The policy of the State has been, as a protection to the cities, to definitely fix the amount of general revenue of the City which could be used for firemen's pension fund.

The policy of a law, as well as its legality, must be measured by what can be done under it. Applying this standard to House Bill No. 351, it is plain that the Bill furnishes



opportunity for abuse of power by a city government in the distribution and use of its funds.

For the reasons above set forth, I veto House Bill No. 351 and return it without my approval.

Respectfully,  
LLOYD C. STARK,  
Governor.

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TO THE HOUSE OF REPRESENTATIVES

MAY 27, 1937

*From the Journal of the House of Representatives, p. 1093*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 27, 1937.

*To the House of Representatives of the 59th General Assembly  
of Missouri:*

I have the honor to return herewith, with my veto and without my approval, House Bill No. 110, entitled:

"An Act to amend Section 8932 of Article 4, Chapter 51, of the Revised Statutes of Missouri 1929 relating to funds for pensioning crippled and disabled firemen and of the widows and orphans of deceased firemen by striking out the word "one" in line six of said section and inserting in lieu thereof the word "fifty" and by inserting between the word "towns" and the word "as" in line ten of said section the words "for carrying on the business of a fire insurance company, agent or agency, and not exceeding one per centum of all other license fees received by such municipalities," and by inserting the words 'having a population of less than fifty thousand inhabitants' between the word 'class' and the word 'the' in the last sentence of said Section 8932."

I have vetoed the bill for the following reasons:

Section 7 of Article IX of the State Constitution provides:

"The General Assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the power of each class shall be defined by general laws, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. . . ."

House Bill No. 110 deals with creation of firemen's pension fund in cities and towns having an organized fire department.

Under the existing statute, Section 8932, Revised Statutes of Missouri of 1929, any city of the second class having an organized fire department can establish a firemen's pension fund by a majority vote of the people.

House Bill No. 110 provides, cities of the second class, having fifty thousand or over population shall have power to establish a firemen's pension fund by a City Ordinance without a vote of the people and cities of the second class, having less than fifty thousand population, shall have power to create a firemen's pension fund only by a majority vote of the people therefor at an election; so that, under House Bill No. 110, municipal corporations of the second class do not have the same powers in establishing a firemen's pension fund thereby destroying the principle of uniformity in powers and restrictions the Constitution requires second-class cities shall have.

For the reason, House Bill No. 110, violates Section 7 of Article IX of the State Constitution, I veto it and return it without my approval.

Respectfully,

LLOYD C. STARK,  
Governor.

**TO THE HOUSE OF REPRESENTATIVES****MAY 28, 1937***From the Journal of the House of Representatives, pp. 1095-1096***EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,****May 28, 1937.*****To the House of Representatives of the 59th General Assembly of Missouri:***

I have the honor to return herewith, with my veto and without my approval, House Bill No. 237, entitled:

“An Act establishing a recreational commission in all counties that now or may hereafter have located within said county a city or cities of the first class, having a population of less than one hundred and fifty thousand providing for the appointment of said commission and defining its jurisdiction and duties.”

I have vetoed the bill for the following reasons:

Section 7 of Article IX of the Constitution of Missouri provides as follows:

“The General Assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the power of each class shall be defined by general laws, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. . . .”

House Bill No. 237 provides, in all counties in this State that now have or hereafter may have located within such counties a city or cities of the first class having a population of less than one hundred and fifty thousand, said cities shall have the power to establish a recreational commission and maintain same at the expense of the City and County jointly while no such powers are given to cities, located in counties of the State having a population of one hundred and

fifty thousand and over; thereby giving to one group of cities of the first class powers and privileges not given to another group of the same class of cities, and this destroys the principle of uniformity in the laws of cities of the same class which it was the purpose of the Constitution to have.

If the City of St. Joseph has over one hundred thousand and less than one hundred and fifty thousand inhabitants, it is the only city in the State to which this Act could apply and therefore, under the guise of a general law, a special law is in fact provided for that city in disregard of the provision of the State Constitution as to special laws and also in disregard of the heretofore mentioned principle of uniformity in laws for cities of the same class.

House Bill No. 237, by creating an additional class of cities to which it is applicable, renders it obnoxious to the provisions of the Constitution limiting the power of the Legislature to the creation of only four classes of cities.

For the reason House Bill No. 237 violates Section 7 of Article IX of the State Constitution, I veto it and return it without my approval.

Respectfully,

LLOYD C. STARK,

Governor.

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## TO THE HOUSE OF REPRESENTATIVES

MAY 28, 1937

*From the Journal of the House of Representatives, pp. 1096-1097*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 28, 1937.

*To the House of Representatives of the 59th General Assembly of Missouri:*

I have the honor to return herewith, with my veto and without my approval, House Bill No. 71, entitled:

"An Act to repeal Section 13120, Article VIII, Chapter 93, Revised Statutes of Missouri, 1929, relating to the in-

spection of beverages and to enact ten new sections in lieu thereof, to be known as Sections 13120, 13120a, 13120b, 13120c, 13120d, 13120e, 13120f, 13120g, 13120h and 13120i, relating to the same subject, and providing for license instead of inspection fees, fixing the amount of license fees, defining the kind of containers to be used, how they shall be refilled and sterilized, defining soft drinks, regulating artificial flavoring and coloring, and authorizing the Commissioner of Health to enforce said Act empowering said Commissioner to issue such license, inspect all beverages, and to revoke such licenses under certain conditions, providing for hearings on revocation of licenses and appeal from decisions of the Commissioner; providing penalties for violation hereof, and repealing all other acts inconsistent with this Act."

I have vetoed the bill for the following reasons:

Article 8, of Chapter 93, Revised Statutes of Missouri, 1929, containing Sections 13115 to 13139, inclusive, provides for the inspection of non-intoxicating liquors or beverages, commonly called "soft drinks," and is now being administered by the State Board of Health. This law has been on the statute books for many years and has been satisfactorily administered, and I have no doubt of its complete validity.

House Bill No. 71 repeals Section 13120 of the existing "soft drinks" statute and substitutes for the inspection system a license system of ten new sections.

The present law fixes the inspection fee for all beverages manufactured and sold at both wholesale and retail at so much per gallon. House Bill No. 71 fixes the annual license fee to be paid by wholesale manufacturers on plant capacity basis computed on an eight-hour day, and the fee to be paid by the retailers based on the size of town served, classified by population into two groups, which license fee is to be paid for each and every place of business.

The State Health Department informs me that if House Bill No. 71 becomes a law, the State will lose a large amount of revenue annually because the present inspection system will produce more state revenue than the proposed license system.

It is true, House Bill No. 71 contains some sanitary provisions relative to manufacture and sale of "soft drinks" not set out in the existing law but necessary provisions for cleanliness and sanitation to accomplish the objects of the law can be secured by rules and regulations made by the State Board of Health.

House Bill No. 71 apparently does not include the inspection of flavors or extracts, used in the manufacture of concoction of beverages, which are now inspected under the existing law and fees collected thereon.

I am informed that the House Journal of Fifty-eighth General Assembly, 1935, at page 1101, shows that Governor Park vetoed bills similar to House Bill No. 71 repealing Section 13120.

As the existing law is adequate for the inspection of non-intoxicating liquors or beverages and is, in my judgment, being satisfactorily administered, and as a change from the "fee" inspection method to the "license" system would cost the State several thousand dollars annually, I cannot approve the policy of repealing the old law with its attendant loss of revenue, and therefore I veto House Bill No. 71.

Respectfully,

LLOYD C. STARK,

Governor.

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TO THE SENATE

JUNE 7, 1937

*From the Journal of the Senate, pp. 1217-1218*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 7, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to return herewith, with my veto and without my approval, Senate Bill No. 219, entitled:

"An Act repealing Section 5272 of an Act of the 56th General Assembly, regular session, at pages 311, 312 and 313,

Laws of Missouri, 1931, relating to the supervision, regulation and licensing of transportation of persons and property for hire over the public highways of the State of Missouri by motor vehicles and to enact in lieu thereof, a new section pertaining to the same subject matter to be known as Section 5272."

I have vetoed the bill for the following reasons:

This bill repeals Section 5272 of an Act of the 56th General Assembly, regular session, at pages 311, 312 and 313, Laws of Missouri of 1931, relating to supervision, regulation and licensing of transportation of property and persons for hire over the public highways of the State of Missouri by motor vehicles, and enacts in lieu thereof a new section to be known as Section 5272.

This bill carries a provision which reads as follows:

"Provided further that where a motor carrier engaged in the transportation of freight or passengers enters this state from an adjoining state at a point within fifteen miles of the corporate limits of any municipal corporation now or hereafter having 600,000 inhabitants or more, for the purpose of discharging freight or passengers within such municipal corporation, or the suburban territory adjacent thereto as defined in Section 5264, Revised Statutes of Missouri, 1929, as amended Laws of Missouri, 1931, page 304-5; or where such motor carrier receives freight or passengers within any such municipal corporation, or within such suburban territory, for transportation into another state, where the point of entry into such other state is not more than fifteen miles from the corporate limits of such municipal corporation, the license fee shall be one-third of the license fee hereinafter set forth."

Senate Bill No. 219 relates to a certain class of commerce, known as interstate commerce flowing to and from a city in Missouri, now or hereafter having six hundred thousand inhabitants or more but does not deal with the whole class of such commerce, and is limited to the inter-

state commerce which enters or exits from the State within fifteen miles of a city now or hereafter having six hundred thousand inhabitants or more.

This bill is special legislation in the interest of interstate traffic from Illinois to the City of St. Louis which enters the State at a point not more than fifteen miles from the city limits.

To justify special legislation, the conditions must be such as to demand a separate rule or statute therefor. The mere classification for the purpose of legislation without regard to a condition showing a necessity therefor is Special Legislation of a most pernicious character. There are no conditions which demand a separate rule or statute as to traffic from Illinois entering the State within fifteen miles from St. Louis, Missouri.

Senate Bill No. 219 is in conflict with Section 54 of Article IV of the State Constitution as to local and special laws, and for that reason I veto it and return it without my approval.

Respectfully,  
LLOYD C. STARK,  
Governor.

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## TO THE HOUSE OF REPRESENTATIVES

JUNE 7, 1937

*From the Journal of the House of Representatives, pp. 1253-1255*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY.

June 7, 1937.

*To the House of Representatives of the 59th General Assembly of Missouri:*

I have the honor to return herewith, with my veto and without my approval, House Bill No. 207, entitled:

"An Act to repeal an act of the 57th General Assembly, Extra Session, relating to the investment of capital, reserve



and surplus funds of domestic life insurance companies, approved January 6, 1934, and appearing in the Laws of Missouri, Extra Session, 1933-1934, pages 64 and 65, and to enact in lieu thereof an act relating and pertaining to the same subject, which act is to be known as Section 5921, Revised Statutes of Missouri, 1929, and repealing conflicting acts and parts of acts."

I have vetoed this bill for the following reasons:

This Bill relates to the investment of capital, reserve and surplus funds of life insurance companies organized in Missouri, and repeals an Act of the Fifty-seventh General Assembly, Extra Session, 1933-1934, pages 64 and 65, relating to the same subject and enacts in lieu thereof an Act to be known as Section 5921 of Revised Statutes of Missouri, 1929.

A man invests in life insurance for the protection of his family when he is no longer here to protect them. He pays his premiums year after year and finally dies. If officials investing the funds of the company, he is insured with, make an error and loss either partial or whole results to the insured's family, he is not here to repair the loss and this situation renders it necessary that the State direct, with a firm hand and an undeviating purpose, the investment of funds of Life Insurance Companies; such investment is and must remain a matter of the most serious public concern.

The facts make investment of life insurance funds one of the most important questions the State must deal with. The existing statute provides:

"The capital, reserve and surplus funds of all life insurance companies of whatsoever kind and character, all other laws to the contrary notwithstanding, organized under the laws of this State, *shall be invested only*" in the following named securities:

1. *Bonds or Notes* of the Government of the United States;
2. *Bonds* of any State of the United States;
3. *Bonds* of any county, municipality or other subdivision of the State;

4. Loans on real estate in any State of the United States secured by *first* mortgage or deed of trust or other first lien on such real estate, which real estate shall be worth at least fifty percent more than the amount of said loan;
5. In the Bonds of any private corporation organized under the laws of the United States, or of any state of the United States, which bonds must have been issued for at least a period of five years prior to the time of acquisition, there being no default in the payment of interest within said period;
6. In the Bonds of any public or quasi-public corporation organized under the laws of the United States or of any of the States of the United States;
7. Capital, reserve and surplus funds may be invested in the bonds of any foreign country or state, so far as such Bonds may be necessary to make deposits with the authorities of such state or foreign country to do business therein.

The existing statute further *prohibits* an investment of more than *ten percent* (10%) of its *capital and surplus* funds in:

1. Any single loan on real estate;
2. Bonds of any private, *public* or *quasi-public* corporation organized under the laws of the United States or of the several states of the United States;
3. Bonds of any county, municipality or other subdivision of any state of the United States.

The existing statute allows a life insurance company to invest an unlimited amount of its capital and surplus funds in *Bonds* or *Notes* of the *United States* and *Bonds* of any of the *States* of the *United States*.

The foregoing provisions of the existing statutes are plain and simple, but forceful rules designed to protect the capital, reserve and surplus of life insurance companies as a trust fund for policyholders and their widows and or-

phans. It is plain, the provisions of the existing law are based upon the policy which demands that securities, legally available as investment for life insurance funds must pay regularly the owners thereof without default, and that the securities of the Federal Government, those of the State of Missouri and bonds of any county, municipality or other subdivision of the State constitute the preferred field of investment for life insurance funds.

The above provisions of the existing statute are repealed by House Bill No. 207 and it is proposed to substitute therefor a list of securities of private and public corporations, as investment for capital, reserve and surplus of life insurance companies, based on the *earning* power of said securities for a period of *three* (3) *years* or less, while the existing law, in the case of private or public corporations, provides that, for insurance fund investments, they must have been issued for at least a period for *five* (5) *years*, *prior* to the time of said investment and in the *five* (5) year period there must have been no default in payment of interest thereon.

I do not understand that it is disputed that investments of capital, surplus and reserve of life insurance companies, in federal government bonds or notes and State bonds and municipal, county and other political subdivision bonds constitute the choicest field for investment of life insurance funds. I do not understand there is any shortage in the market of this class of securities. The State must stand as a guardian of the interests of the policyholders in all investments of life insurance funds; and it occurs to me that the aim of the State should be to avoid, as much as possible, the hazards accompanying securities whose values reflect directly the success or failure of men absorbed in the strifes of the business world. I do not wish to be understood as banning investment of insurance funds in all bonds of private or public corporations, but I am clearly of the opinion permanency and stability together with as much freedom as possible from vicissitudes, risks and hazards of business should be objectives always in investment of life insurance funds.

House Bill No. 207 makes extensive provisions for investment of life insurance company funds in the various kinds of bonds of railroad companies. With the record of financially-wrecked railroads in the last thirty years in this country to look at, and with knowledge of the fact that the federal government has had to lend its money and its credit to many of the largest and best lines of railroads, I do not think the provisions of House Bill No. 207 for investment of insurance funds in railroad bonds presents better protection for the safe investment of such funds than the existing law.

I regard the existing law as to investment of insurance funds as conservative and while not, of course, perfect, yet it is a reasonably sound legislative enactment.

The Life Insurance Company in handling the funds of its policyholders should not, in my judgment, be allowed to do a brokerage nor an investment banking business. Life insurance funds investment should be made with a view to safety and permanency rather than with an eye to large and quick profits. The existing statute as to investments of funds of life insurance companies, if and when rigidly enforced, will afford a very large measure of protection to life insurance policyholders and is safer for said policyholders than is House Bill No. 207.

It seems to me that House Bill No. 207 wanders far afield from the quiet security which trust funds should seek and possibly might open the door for entrance into the wide realm of speculation where uncertain fortune lures to unnaturally quick and heavy profits on the one hand or sudden, great and irretrievable loss on the other, and for these reasons I veto House Bill No. 207 and return it herewith without my approval.

Respectfully,

LLOYD C. STARK,

Governor.

**VETO RECORDED WITH THE SECRETARY  
OF STATE**

**JUNE 23, 1937**

*From the Journal of the House of Representatives, pp. 1333-1334*

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**June 23, 1937.**

***Secretary of State:***

Sir: I have the honor to hand you herewith, with my veto and without my approval, House Bill No. 328, entitled:

“An Act prohibiting setting up or keeping any pinball game or baffle board for the purpose of playing any game of chance for money or property and inducing, enticing, or permitting any person to bet or play thereon, or on the side, or against the keeper thereof, and prescribing a penalty for the violation thereof.”

I have vetoed the bill for the following reasons:

Section 1 of House Bill No. 328 provides as follows:

“Every person who shall set up or keep any pinball game or baffle board of whatever pattern, kind, or make, or however operated, or manipulated, devised and designed for the purpose of playing any game of chance for money or property, and shall induce, entice, or permit any person to bet or play such pinball game or baffle board, or on the side, or against the keeper thereof, shall upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term of not less than thirty days nor more than six months, or by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by both such fine and imprisonment.”

My information is that a Pin Ball Game or Baffle Board is a type of slot machine.

Section 4287 of the Revised Statutes of Missouri of 1929, makes the operation of a “slot machine” a felony and punishable by imprisonment in the penitentiary for not less than two nor more than five years, or by imprisonment in the county jail for a term of not less than six months nor more than twelve months. Said Section 4287 reads as follows:

"Every person who shall set up or keep any . . . slot machine, stand or device of whatever pattern, kind or make, or however worked, operated or manipulated, . . . for the purpose of playing any game of chance for money or property and shall . . . permit any person to bet or play at or upon any such . . . gambling device . . . shall on conviction be adjudged guilty of a felony . . ."

House Bill No. 328 would reduce the operation of a "slot machine" from a felony with a maximum punishment of five years in the Penitentiary to a misdemeanor with a maximum penalty of six months in the county jail or a fine of not less than twenty-five nor more than five hundred dollars or both such fine and imprisonment.

I do not believe that the punishment for the crime of setting up or operating a slot machine should be reduced. This, in my opinion, is a Bill seeking to minimize the punishment of what is today in our State a continuing felony, committed hourly and daily in open flagrant violation of our laws.

For the reason that this Bill seeks to make what is now a penitentiary offense—setting up and operating "slot machines"—a mere misdemeanor, I veto House Bill No. 328 and return it without my approval.

Very truly yours,  
LLOYD C. STARK,  
Governor.

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VETO RECORDED WITH THE SECRETARY  
OF STATE

JUNE 24, 1937

*From the Journal of the House of Representatives, pp. 1334-1336*

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June 24, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my veto and without my approval, House Bill No. 432, entitled:

"An Act to repeal Section 11093, Article 4, Chapter 66, of the Revised Statutes of Missouri, 1929, relating to School Lands and the manner and by whom they shall be sold, and to enact a new Section in lieu thereof pertaining to the same subject to be known as Section 11093."

I have vetoed the bill for the following reasons:

The Act of Congress of March 6, 1820, Section 6, provided:

"That Section Sixteen in every township . . . shall be granted to the State for the use of the inhabitants of such township for the use of schools."

While the Title was thus placed in the State, the beneficial owners were the people of the Township.

The State of Missouri accepted this grant of land for school purposes and enacted a statute to enable the "sixteenth section" to be sold, and this statute providing for the sale of these school lands appears as Section 11093 of the revised Statutes of Missouri of 1929—and has been on the statute books in its present form for many years and reads as follows:

"In all congressional townships in this state in which there are fifteen householders, they shall have the right to sell their sixteenth sections, or such lands as have been or shall be selected in lieu thereof; and upon a petition of a majority of such householders, the county court shall make an order, a copy of which shall be furnished the sheriff, directing him to expose such lands to sale at the courthouse door, and while the circuit court of the county is in session, after giving twenty days' notice thereof. . . ."

When the congressional townships were laid out in this State, and the northern boundary of the State was reached and there was established Township 67—there was just one-half mile of Missouri for that township, clear across the State. These Northern Townships of the State did not have the sixteenth section for school purposes, for that strip of land through Missouri—east and west—was only one-half mile wide, and in lieu of the sixteenth section for that fractional part of the township, there was given to this northern

tier of counties land in the Ozark Mountain counties of the State.

Nodaway County, under this arrangement, was given 2500 to 3000 acres of land lying in the counties of Camden, Christian, Ozark, Benton, Barry and McDonald. Recently, the Federal Government has sought to buy a portion of this Ozark Mountain land of Nodaway County for use in Pond Fork Government Reservation, and the County Court of Nodaway County was required to make a finding that the petition for sale of the land contained the names of the majority of householders in the fractional part of the northern townships of Nodaway County. The territory in which it was sought to obtain the majority of the names on a petition for sale of the land lies in a school district in Nodaway County touching the Iowa line for a distance of twelve miles and there are more than two hundred tracts of land in that territory, and this would involve having an abstract made of the various tracts of land and farms in this territory and the expense would be more than the price for which the land was to be sold.

The result was—This House Bill No. 432 was drawn and thereunder it is necessary to have only five householders sign the petition.

This Bill would, of course, solve the problem for Nodaway County but the Bill is in the form of a general and not a local law, and applies to all of the counties of the State having "sixteenth" section School Lands yet on hand.

Now it has been the law for all these years that "sixteenth" section school lands should not be sold except on petition of majority of those owning the beneficial use thereof and this is, of course, a reasonable law. Should this old and existing statute be repealed to aid a Nodaway County School District and at the same time change the rights of every township in the State yet owning some of the "sixteenth" section school land?

I have caused an investigation to be made in the Secretary of State's office to ascertain if any of the other counties of the State than those composing the northern tier yet own



any of the "sixteenth" section school land and I am informed by the Secretary of State's office that there are counties south of the northern tier of counties which still own "sixteenth" section school land in their own counties and not in The Hill Region, and the people in these townships would be directly affected by this Bill and, in place of a majority of householders having power to petition for such sale, five householders could do so.

I am of opinion, the existing law should not be changed by this Bill in its present form. I quite agree, the northern tier of counties should have relief on this question but the relief should be in the form of a Local Act which would not affect the property rights in "school lands" of the other counties of the State and would be applicable only to the northern tier of counties.

Section 54 of Article IV, of our State Constitution provides for enactment of just such a law as Nodaway and the other counties on the northern border of our State need. To carry out the provisions of Section 54 of Article IV. of the State Constitution, Sections 11249, 11250, 11251, 11252 and 11253, Revised Statutes of Missouri, 1929, have been placed upon the statute books, and these statutes provide that notice of intention to apply for enactment of a Local or Special Law shall be published in each county or incorporated city or town to be affected by such local or special law, by advertisement in some newspaper thirty days prior to the introduction in the General Assembly of such Bill, and that proof of the publication shall be made by the affidavit of the publisher of the newspaper in which the same is published, to which shall be attached a copy of the notice; and the Notice shall be signed by ten householders of the county, incorporated city or town where same is published, and a copy of the notice duly authenticated, as above set forth, shall be attached to the Bill before it is introduced, and shall be read once in the Senate and once in the House of Representatives before the Bill is put upon its passage.

This can be done at the next session of the General Assembly and the Local Law required to give relief to the

northern tier of counties, enabling them to dispose of "sixteenth" section school lands which they may own in different parts of the State, can be enacted.

For the reasons herein above set forth, I veto House Bill No. 432 and return it without my approval.

Very truly yours,  
LLOYD C. STARK,  
Governor.

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*VETO RECORDED WITH THE SECRETARY  
OF STATE*

JUNE 25, 1937

*From the Journal of the Senate, pp. 1320-1321*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 25, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my veto and without my approval, Senate Bill No. 60, entitled:

"An Act to amend Section 7761 of an act of the 57th General Assembly, Extra Session, relating to the registration fees and licensing of motor vehicles, approved January 6, 1934, and appearing in the Laws of Missouri, Extra Session, 1933-1934, pages 99 and 100, by striking out subparagraph (c) of said Section and inserting in lieu thereof a new subsection to be known as subparagraph (c), relating to the same ject:

I have vetoed the bill for the following reasons:

This Bill applies to registration fees and licensing of motor vehicles for the years 1937 and 1938 and for the full calendar year of 1939. For the years 1937 and 1938 the same schedule of fee is fixed by this Bill. For the year 1939, the fees charged for 1937 and 1938 in the Bill for motor vehicles other than commercial motor vehicles and motor-cycles and motor tricycles, are cut about one-half.

I am informed by the Department of the Secretary of State, in charge of collection of registration fees and licensing of motor vehicles, that said department estimates on the basis of the schedule fixed in the Bill for the years 1937 and 1938 the receipts for passenger plates will be \$7,535,624.20.

This Bill proposes to cut these receipts for the year 1939 just about fifty per cent (50%), which would reduce the revenue of the State from this source for the year 1939 and subsequent years \$3,767,812.10.

Considering the present and the prospective financial condition of the State and its income from various sources, I am not of the opinion that these fees for registration and licensing of passenger motor vehicles should be reduced one-half, and for this reason I veto Senate Bill No. 60 and return it without my approval.

Very truly yours,

LLOYD C. STARK,

Governor.

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VETO RECORDED WITH THE SECRETARY  
OF STATE

JUNE 26, 1937

*From the Journal of the House of Representatives, pp. 1336-1338*

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June 26, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my veto and without my approval, House Bill No. 155, entitled:

"An Act to amend Section 4285, Chapter 30, Article 8, Revised Statutes of Missouri, 1929, by striking out the words in the last ten lines of said Section, to-wit, as follows: "be adjudged guilty of a felony and shall be punished by imprisonment in the penitentiary for a term of not less than two years nor more than five years, or by imprisonment in the county jail for a term of not less than six months nor more than one year, or by a fine of not less than \$500.00,

or by both such fine and imprisonment," and inserting in lieu thereof the words, "be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term of not less than six months nor more than one year, or by a fine of not less than \$25.00 nor more than \$500.00, or by both such fine and imprisonment."

I have vetoed the bill for the following reasons:

Section 4285, Chapter 30, Article 8, of the Revised Statutes of Missouri of 1929, provides as follows:

"Any person who occupies any room, shed, tenement, tent, booth or building, or any part thereof, in this state, and who occupies the same with any book, instrument or device for the purpose of recording or registering bets or wagers or selling any pools upon the result of any trial or contest of skill, speed or power of endurance of man or beast which is to be made or to take place within or without this state; or any person who records or registers a bet or wager, or sells pools, upon the result of any trial or contest of skill, speed or power of endurance of man or beast which is to be made or to take place within or without this state, or to register or bet on a horse race, either on a blackboard or any other substance, . . . or becomes the custodian or depository, for hire or privilege, of any money for any purposes contrary to the provisions of this section, shall, on conviction, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for a term of not less than two years nor more than five years, or by imprisonment in the county jail for a term of not less than six months nor more than one year, or by a fine of not less than five hundred dollars, or by both such fine and imprisonment."

Section 4285 of the Bill provides:

"Any person who occupies any room, shed, tenement, tent, booth or building, or any part thereof, in this state, and who occupies the same with any book, instrument or device for the purpose of recording or registering bets or wagers or selling any pools upon the result of any trial or contest of skill, speed or power of endurance of man or beast which is to be made or to take place within or without this state; or

any person who records or registers a bet or wager, or sells pools, upon the result of any trial or contest of skill, speed or power of endurance of man or beast which is to be made or to take place within or without this state, or to register a bet on a horse race, either on a blackboard or any other substance, . . . or becomes the custodian or depository, for hire or privilege, of any money for any purposes contrary to the provisions of this section, shall, on conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term of not less than six months nor more than one year, or by a fine of not less than \$25.00 nor more than \$500.00, or by both such fine and imprisonment."

The offense defined by the existing law and by Section 4285 of the Bill is limited to the class of gambling known as "Book-making and Pool-selling" and is popularly known as "Running a Hand-Book."

House Bill No. 155 would reduce the crime of "running a hand-book" from a felony with a maximum punishment, upon conviction, of five years in the Penitentiary to a misdemeanor with a maximum punishment of not more than one year in jail or by a fine of not less than Twenty-five Dollars nor more than Five Hundred Dollars or by both such fine and imprisonment.

I do not believe that the punishment for the offense of gambling known as "Book-making and Pool-selling" should be reduced.

This Bill seeks to make a misdemeanor only what is now a felony committed by Hand-book makers daily in violation of State Law.

For the reason that this Bill seeks to make what is now a penitentiary offense—operating and running a hand-book—a misdemeanor punishable by only a fine or imprisonment in the county jail or both such fine and imprisonment, I veto House Bill No. 155 and return it without my approval.

Very truly yours,  
LLOYD C. STARK,  
Governor.

VETO RECORDED WITH THE SECRETARY  
OF STATE

JUNE 26, 1937

*From the Journal of the House of Representatives, pp. 1338-1340*

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June 26, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my veto and without my approval, House Bill No. 157, entitled:

"An Act to amend Section 4286, Chapter 30, Article VIII, Revised Statutes of Missouri, 1929, by striking out the words in the last nine lines of said Section to-wit, as follows: "be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for a term of not less than two years nor more than five years, or by imprisonment in the county jail for a term of not less than six months nor more than one year, or by a fine of not less than \$500.00, or by both such fine and imprisonment", and inserting in lieu thereof the words, "be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term of not less than six months nor more than one year, or by a fine of not less than \$25.00 nor more than \$500.00 or by both such fine and imprisonment."

I have vetoed the bill for the following reasons:

Section 4286, Chapter 30, Article VIII. of the Revised Statutes of Missouri of 1929, provides as follows:

"Any person who occupies any room, shed, tenement, tent, booth, building or enclosure, or any part thereof, in this state, with any book, sheet, blackboard, instrument or device or substance for the purpose of recording or registering bets or wagers or selling any pools upon the result of any trial or contest of skill, speed or power of endurance of man, or beast, which is to be made or to take place within or without this state; . . . or any person who in this State records or registers a bet or wager or sells pools upon the result of any trial or contest of skill, speed or power of endurance of man

or beast, which is to be made or to take place within or without this state, or any person who becomes the custodian or depository of any money, bet or wager or to be bet or wagered, upon any trial or contest of skill, speed or power of endurance of man or beast which is to be made or take place within or without this state; . . . shall, on conviction, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for a term of not less than two years nor more than five years, or by imprisonment in the county jail for a term of not less than six months nor more than one year, or by a fine of not less than five hundred dollars, or by both such fine and imprisonment."

Section 4286 of the Bill provides:

"Any person who occupies any room, shed, tenement, tent, booth, building or enclosure, or any part thereof, in this state, with any book, sheet, blackboard, instrument or device or substance for the purpose of recording or registering bets or wagers or selling any pools upon the result of any trial or contest of skill, speed or power of endurance of man or beast, which is to be made or to take place within or without this state; . . . or any person who in this state records or registers a bet or wager or sells pools upon the result of any trial or contest of skill, speed or power of endurance of man or beast, which is to be made or to take place within or without this state, . . . shall, on conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term of not less than six months nor more than one year, or by a fine of not less than \$25.00 nor more than \$500.00, or by both such fine and imprisonment."

The offense defined by the existing law and by Section 4286 of House Bill No. 157, is limited to the class of gambling known as "Book-making and pool-selling" and is popularly known as "Running a Hand-Book."

House Bill No. 157 would reduce the crime of "Running a Hand-Book" from a felony with a maximum punishment upon conviction of five years in the Penitentiary to a misdemeanor with a maximum punishment of not more than one year in jail or by a fine of not less than Twenty-five dollars nor more than Five hundred dollars, or by both such fine and imprisonment.

I do not believe that the punishment for the offense of gambling known as "Book-making and pool-selling" should be reduced.

This Bill seeks to make a misdemeanor only what is now a felony committed by hand-book makers daily in violation of our State law.

For the reason that this Bill seeks to make what is now a penitentiary offense—operating and running a hand-book—a misdemeanor punishable by only a fine or imprisonment in the county jail or both such fine and imprisonment, I veto House Bill No. 157 and return it without my approval.

Very truly yours,  
LLOYD C. STARK,  
Governor.

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VETO RECORDED WITH THE SECRETARY  
OF STATE

JUNE 28, 1937

*From the Journal of the House of Representatives, pp. 1340-1342*

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June 28, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my veto and without my approval, House Bill No. 367, entitled:

"An Act to repeal Sections 3826 and 3828 of Article 19, Chapter 29 of the Revised Statutes of Missouri, 1929, relating to "Costs in Criminal Cases" and to enact two new



sections in lieu thereof to be known as Sections 3826 and 3828, and relating to the same subject."

I have vetoed the bill for the following reasons:

The existing Section 3826, Revised Statutes of Missouri of 1929, provides:

"In all capital cases in which the defendant shall be convicted, and in all cases in which the defendant shall be sentenced to imprisonment in the penitentiary, and in cases where such person is convicted of an offense punishable solely by imprisonment in the penitentiary, and is sentenced to imprisonment in the county jail, workhouse or reform school because such person is under the age of eighteen years, the state shall pay the costs, if the defendant shall be unable to pay them, except costs incurred on behalf of the defendant."

There are three classes of cases in which the State is liable for costs incurred by it: First, in all capital cases where the defendant is convicted; second, in all cases where the defendant is sentenced to imprisonment in the penitentiary; third, in cases where person is convicted of an offense punishable solely by imprisonment in the penitentiary and by reason of his youthful age is sent to the County Jail, Workhouse or Reform School.

The proposed Act, House Bill No. 367, alters this system very materially by imposing more costs upon the State. Section 3826 of the Bill provides:

"In all capital cases in which the defendant shall be convicted, and in all cases in which the defendant may in any event be sentenced to imprisonment in the penitentiary, whether actually so sentenced or not, and in cases where such person is convicted of an offense which may be punishable by imprisonment in the penitentiary, whether actually so punished or not, and is sentenced to imprisonment in the county jail, workhouse or reform school because such person is under the age of eighteen years, the state shall pay the costs, if the defendant shall be unable to pay them, except costs incurred on behalf of defendant."

As the law now stands, in all cases in which the defendant shall be sentenced to imprisonment in the penitentiary, the State will pay the costs; and, under the terms of this Bill, the provision is that in all cases in which defendant may, in any event, be sentenced to imprisonment in the penitentiary whether actually so sentenced or not, the State shall pay the costs. There is a wide difference in the phraseology and legal effect of these two provisions. There are many statutes in this State which make certain crimes a felony and provide for a maximum punishment by sentencing convicted person to imprisonment in the penitentiary for two years or more with a minimum punishment of a jail sentence or a fine, or both such jail sentence and fine.

Under the present law, the defendant must be actually sentenced to imprisonment in the penitentiary before the State is liable for the costs. Under this proposed Act, if the defendant should under some of the statutes be convicted and sent to the county jail or fined, or either fined or sentenced to the county jail although he might have been, under the statutes, sent to the penitentiary, the State would be liable for the costs.

There are many provisions of the statutes of this State providing for a maximum penalty of a penitentiary sentence with a minimum penalty of a fine or imprisonment in the county jail, and, under the law as it exists now, where the Court or jury assesses the fine or imprisonment in the county jail in lieu of the penitentiary sentence, the County is bound to pay the costs. Such a change in the statutory law would impose a vast new burden of costs upon the State.

Section 3828 of the existing law (Revised Statutes of Missouri, 1929) provides:

“In all capital cases, and those in which imprisonment in the penitentiary is the sole punishment for the offense, if the defendant is acquitted, the costs shall be paid by the State; and in all other trials on indictments or information, if the defendant is acquitted, the costs shall be paid by the county in which the indictment was found or information

filed, except when the prosecutor shall be adjudged to pay them or it shall be otherwise provided for by law."

The provisions of Section 3828 of the proposed Act, House Bill No. 367, are as follows:

"In all capital cases, and those in which imprisonment in the penitentiary may be the punishment for the offense whether it is or is not the punishment actually imposed, if the defendant is acquitted, the costs shall be paid by the state; . . . ."

The existing law only makes the State liable for costs if the defendant is acquitted, if the case is a capital case, or if imprisonment in the State Penitentiary is the sole punishment for the offense; while House Bill No. 367 makes the State liable for the costs if the defendant is acquitted in all capital cases and those in which imprisonment in the penitentiary may be the punishment and those in which both imprisonment in the penitentiary or an alternative imprisonment in the county jail or a fine, or both such imprisonment in the county jail and fine are fixed as a punishment. This provision in the Bill would relieve the counties of a large amount of costs in many criminal cases and would saddle the same on the State.

The provisions in the existing statute with reference to costs and the taxing thereof against the State and county respectively, have been the law of Missouri for a considerable time and I see no justification for changing the same so as to increase the burden of the State with reference to payment of criminal costs and that is actually what this Bill is intended to do and what it will do if put upon the statute books.

For the reason that I see no justification for changing the statute law so as to increase the burden of the State with reference to payment of costs in criminal cases, I veto House Bill No. 367 and return it without my approval.

Very truly yours,

LLOYD C. STARK,

Governor.

**VETO RECORDED WITH THE SECRETARY  
OF STATE**

JUNE 30, 1937

*From the Journal of the Senate, pp. 1319-1320*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 30, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my approval endorsed thereon except as to Section 8, the emergency clause, which clause I have vetoed and not approved, Senate Bill No. 228, entitled:

"An Act authorizing the Governor to employ sixteen competent persons to prepare and submit to the sixtieth General Assembly proposed revision bills; prescribing their duties and fixing the time for completing their work and filing their report, and providing what the report shall include; providing for their organization, and for the furnishing of necessary stationery and supplies by the Secretary of State, and for suitable rooms and offices to be provided by the Board of Permanent Seat of Government; authorizing said employees to employ necessary assistance and providing for the payment of same; providing for per diem and expenses of the employees; with an emergency clause."

I have vetoed Section 8, the emergency clause of said Act, for the reason that under the laws of Missouri there is no provision for an emergency clause in legislation of this type.

Very truly yours,

LLOYD C. STARK,

Governor.

*VETO RECORDED WITH THE SECRETARY  
OF STATE*

JUNE 30, 1937

*From the Journal of the House of Representatives, pp. 1325-1326*

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June 30, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my approval endorsed thereon except as to the emergency clause, Section 2, which clause I have vetoed and have not approved, House Bill No. 20, entitled:

"An Act to repeal an Act of the 57th General Assembly approved April 28, 1933, and found on pages 357 and 358 of the Session Acts of 1933, entitled, "An Act to abolish from and after the first day of January, 1937, the office of County Treasurer in Counties on the effective date of this Act or thereafter having a population of 75,000 and not more than 90,000 inhabitants, and providing for the transfer of the duties of the County Treasurer of Such Counties to the County Collector, who shall be known and designated as County Collector and Ex-Officio Treasurer, and providing for a bond to be given by such Collector." And to repeal An Act of the 57th General Assembly, approved March 31, 1933, and found on pages 338, 339 and 340 of the Session Acts of 1933, entitled: "An Act to repeal Sections 12130, 12133, 12134, 12137 and 12138, Article 8, entitled "County Treasurer, Funds and Warrants," Chapter 85, Revised Statutes of Missouri, 1929, and to Enact eight new Sections in lieu thereof pertaining to the same Subject to be known as Sections 12130, 12132a, 12133, 12137, 12138 and 12138a." And to enact in lieu of said Acts Nine New Sections to be known as Sections 12130, 12130a, 13130b, [12130b?] 12130c, 12132, 12133, 12134, 12137 and 12138 relating to the Same Subject with an emergency clause."

I have vetoed Section 2, the emergency clause of said Act, for the reason that under the laws of Missouri there is no provision for an emergency clause in legislation of this type.

Very truly yours,  
LLOYD C. STARK,  
Governor.

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*VETO RECORDED WITH THE SECRETARY  
OF STATE*

JULY 1, 1937

*From the Journal of the House of Representatives, pp. 1327-1328*

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July 1, 1937.

*Secretary of State:*

Sir: Under the provisions of Section 13, Article 5 of the Constitution of Missouri, I herewith transmit to you House Bill No. 382, entitled: "An Act appropriating money to pay the salaries, wages and per diem and other expenses of the civil officers and employees of the State, as follows:

Executive Department  
Supreme Court  
St. Louis Court of Appeals  
Kansas City Court of Appeals  
Springfield Court of Appeals  
Circuit Court Judges, Common Pleas Court Judges,  
and Special Judges  
Attorney-General and assistants  
Secretary of State  
State Treasurer  
State Auditor  
Superintendent of Public Schools  
Adjutant-General  
State Service Officer  
Commission for the Permanent Seat of Government

Construction and Equipment of State Office Building  
Public Service Commission  
State Tax Commission  
Department of Budget, and designating the civil  
list, with an emergency clause."

and append to the same at the time of signing the same, the following statement of items and portions of items objected to by me, which items and portions of items are returned without my approval for the reasons hereinafter stated.

I hereby veto, object to and return without my approval items and portions of items enumerated as follows:

Section 48, "Permanent Seat of Government" Sub-division B. "Additions,"—\$100,000 of the appropriation of \$265,000 is vetoed and disallowed, leaving the total amount appropriated and approved \$165,000.00.

My reason for vetoing the \$100,000.00 of this item is that there has been some question as to the correct amount appropriated in this item.

Excepting for the above item, the remainder of the Bill is approved by me.

Very truly yours,  
LLOYD C. STARK,  
Governor.

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VETO RECORDED WITH THE SECRETARY  
OF STATE

JULY 1, 1937

*From the Journal of the House of Representatives, pp. 1328-1329*

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July 1, 1937.

*Secretary of State:*

Sir: Under the provisions of Section 13, Article 5 of the Constitution of Missouri, I herewith transmit to you House Bill No. 500, entitled: "An Act appropriating money for the support of the Eleemosynary Institutions of the State,

Childs' Welfare Service, Commission for the Blind, Pensions for the Deserving Blind, Charity Patients at County Hospitals, and State's part of care of Indigent Insane for the years 1937 and 1938, with an emergency clause," and append to the same at the time of signing the same, the following statement of items and portions of items objected to by me, which items and portions of items are returned without my approval for the reasons hereinafter stated:

I hereby veto, object to and return without my approval, items and portions of items enumerated as follows:

Section 1—"For Hospital No. 1," Subdivision A. "Personal Service," "Payable out of State Revenue Fund," \$35,000.00 of the appropriation of \$80,000.00 is vetoed and disallowed, leaving \$45,000.00 thereof appropriated and approved by me; Sub-divisions B. and C. "Additions, Repairs and Replacements," \$10,000.00 of the appropriation of \$15,000.00 is vetoed and disallowed, leaving \$5,000.00 thereof appropriated and approved by me; Sub-division D. "Operation," \$5,000.00 of the appropriation of \$56,200.00 under said Sub-division D. is vetoed and disallowed, leaving \$51,200 thereof appropriated and approved by me, and making the total amount appropriated and approved out of the State Revenue Fund for Hospital No. 1, \$101,200.00.

"For Hospital No. 2," Sub-division A. "Personal Service," "Payable out of State Revenue Fund," \$25,000.00 of the \$90,000.00 appropriated is vetoed and disallowed, leaving the total amount appropriated and approved under said Sub-division A. \$65,000.00; Sub-divisions B. and C., "Additions, Repairs and Replacements," the entire appropriation of \$40,000.00 is vetoed and disallowed; Sub-division D. "Operation," \$10,000.00 of the \$60,800.00 appropriated under said Sub-division D. is vetoed and disallowed, leaving the amount appropriated \$50,800.00 and making the total amount appropriated and approved out of the State Revenue Fund for Hospital No. 2, \$120,800.00.

"For Hospital No. 4," Sub-divisions B. and C. "Additions, Repairs and Replacements," "Payable out of State Revenue Fund," \$10,000.00 of the \$25,000.00 appropriated



is vetoed and disallowed, leaving the amount appropriated and approved under said Sub-divisions B. and C. \$15,000.00; Sub-division D. "Operation," \$10,000.00 of the \$35,600.00 appropriated under said Sub-division D. is vetoed and disallowed, leaving the total amount appropriated and approved \$25,600.00, and making the total amount appropriated and approved out of the State Revenue Fund for Hospital No. 4, \$80,800.00.

My reason for vetoing the foregoing amounts and portions of the amounts set out is that in my opinion there will be insufficient revenue to meet all appropriations.

Except for the above items, the remainder of the Bill is approved by me.

Very truly yours,  
LLOYD C. STARK,  
Governor.

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*VETO RECORDED WITH THE SECRETARY  
OF STATE*

JULY 1, 1937

*From the Journal of the House of Representatives, p. 1330*

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July 1, 1937.

*Secretary of State:*

Sir: Under the provisions of Section 13, Article 5, of the Constitution of Missouri, I herewith transmit to you House Bill No. 504, entitled: "An Act to appropriate money to pay the salaries, wages and per diem of the officers and employees, the repair and replacement of property, and the operative expenses, and for other purposes of the State Prison Board, the Missouri Penitentiary, Missouri Training School for Boys, the Missouri Intermediate Reformatory, the Industrial Home for Girls and the Industrial Home for Negro Girls, expenses penal institutions and criminal costs, for the years 1937 and 1938," and append to the same at the

time of signing the same, the following statement of items and portions of items objected to by me, which items and portions of items are returned without my approval for the reasons hereinafter stated:

I hereby veto, object to and return without my approval, items and portions of items enumerated as follows:

Section 1, "For the Missouri Penitentiary, chargeable to the Missouri Penitentiary Revolving Fund," Sub-division D. "Operation," \$2,000,000.00 of the appropriation of \$7,000,000.00 is hereby vetoed and disallowed, leaving a total amount appropriated of \$5,000,000.00 for the reason that no more funds will be required by the State Penal Board in carrying out the provisions of the law.

Excepting for the above item, the remainder of the Bill is approved by me.

Very truly yours,  
LLOYD C. STARK,  
Governor.

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**VETO RECORDED WITH THE SECRETARY  
OF STATE**

JULY 1, 1937

*From the Journal of the House of Representatives, pp. 1330-1332*

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July 1, 1937.

*Secretary of State:*

Sir: Under the provisions of Section 13, Article 5, of the Constitution of Missouri, I herewith transmit to you House Bill No. 509, entitled: "An Act to appropriate money for the support of the State Government, the payment of certain contingent and incidental expenses of the several departments, bureaus, boards and commissions of the State Government for the years 1937 and 1938; and to appropriate money for the payment of various claims for relief; for the several departments of the State Government, the several

boards, bureaus and commissions and State officers, and persons, firms and corporations for the payment of which the State may be liable; for the payment of deficiency claims for the years 1935 and 1936 and prior years; and appropriating funds for other purposes for the years 1937 and 1938 and prior years, with an emergency clause," and append to the same at the time of signing the same, the following statement of items and portions of items objected to by me, which items and portions of items are returned without my approval for the reasons hereinafter stated.

I hereby veto, object to and return without my approval, items and portions of items enumerated as follows:

Section 9—Sub-division A. "Personal Service," \$2,000.00 of the \$10,000.00 appropriated under Sub-division A., leaving \$8,000.00 thereof appropriated and approved by me; \$3,000.00 of the \$10,340.00 appropriated under Sub-division D. "Operation," of said Section 9, leaving \$7,340.00 of the amount in said Sub-division D. appropriated and approved, making the total appropriated and approved in Section 9, \$15,640.00.

Section 16A—\$225,000.00 of the \$250,000.00 appropriated in Section 16A "Sales Tax Refund," leaving the total amount appropriated and approved in said Section 16A. \$25,000.00.

Section 42—Sub-division A. "Personal Service," \$5,000.00 of the \$50,280.00 appropriated under said Sub-division A., leaving \$45,280.00 thereof appropriated and approved by me; \$5,000.00 of the \$27,900.00 appropriated under Sub-division D., "Operation," of said Section 42, leaving \$22,900.00 of the amount in Sub-division D. appropriated and approved, making the total appropriated and approved in Section 42, \$68,680.00.

Section 58—\$100,000.00 of the \$350,000.00 appropriated in said Section 58, leaving the total amount appropriated and approved in said Section 58, \$250,000.00.

I have vetoed the items in Sections 9, 16A, 42 and 58 for the reason that I anticipate there will be insufficient revenue for this bi-ennium.

Section 67B—\$2,500.00 of the total amount appropriated in said Section 67B, leaving the total amount appropriated and approved in said Section 67B, \$10,000.00.

Section 92A—the full amount of \$10.00 appropriated in said Section 92A for E. W. Kell, said item being disallowed for the reason there is no liability on the part of the State.

Section 99—the full amount of \$256.25 appropriated in said Section 99 for “Capital City Telephone Company,” because there is insufficient evidence that it is a valid claim against the State.

Section 100—the full amount of \$355.00 appropriated in said Section 100 for “Duke Dependable Kitchen Equipment Company,” for the reason that said company has failed to comply with its contract.

Section 115A—the full amount of \$35.00 appropriated in said Section 115A for Henry A. Bode, Administrator, Estate of Peter Rentergham, for the reason there is no evidence that the State is indebted to said estate or administrator.

Section 123—the total amount of \$75.00 appropriated for John Contratto; the total amount of \$50.00 for C. M. Haynes; the total amount of \$10.00 appropriated for Orville Halley; the total amount of \$25.00 appropriated for Fred Hueller; the total amount of \$15.00 appropriated for J. R. Riffle; the total amount of \$20.83 appropriated for William Young appearing the second time in said Section; the total amount of \$375.00 appropriated for Hellman Company, Inc.; the total amount of \$33.33 appropriated for E. H. Stewart. These items, except as to William Young, have been vetoed and disallowed because they are not legal claims against the State. The item as to William Young is a duplication.

Section 132—the full amount of \$4,446.55 appropriated in said Section 132 for L. D. Thompson, said item being disallowed for the reason that there is no legal liability on the part of the State.

Section 144E—the full amount of \$5,436.53 appropriated in said Section 144E for “Carter Motor Company,”

said item being disallowed for the reason there is no legal liability on the part of the State.

Section 145—\$1,000.00 of the total amount appropriated in said Section 145, leaving the total amount appropriated and approved in said Section \$4,000.00.

Section 145K—\$30,000.00 of the \$130,000.00 appropriated for Hospital No. 1, leaving the total amount appropriated and approved for Hospital No. 1, \$100,000.00; \$20,000.00 of the \$100,000.00 appropriated for Hospital No. 2, leaving the total amount appropriated and approved for Hospital No. 2, \$80,000.00; \$19,000.00 of the \$69,000.00 appropriated for Hospital No. 4, leaving the total amount appropriated and approved for Hospital No. 4, \$50,000.00, and making the total amount appropriated in said Section 145K, \$325,000.00.

Section 145Q—\$5,000.00 of the total amount appropriated in said Section 145Q, leaving the total amount appropriated in said Section 145Q, \$10,000.00.

My reasons for vetoing and disallowing the items in Section 145, 145K and 145Q are that the amount appropriated exceeded by the amounts disallowed the funds necessary to meet the purposes of said Sections.

Very truly yours,

LLOYD C. STARK,

Governor.

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**VETO RECORDED WITH THE SECRETARY  
OF STATE**

JULY 1, 1937

*From the Journal of the House of Representatives, pp. 1342-1344*

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July 1, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my veto and without my approval, House Bill No. 10, entitled:

“An Act to amend Chapter 59, Revised Statutes of Missouri, 1929, with all amendments thereto, relating to

“Taxation and Revenue,” “Delinquent and Back Taxes” and collection of same, by adding a new Article thereto to be known as Article 9A entitled “Delinquent and Back Taxes in Certain Counties” comprising fifteen new sections and pertaining to the same subject and applying to counties which now have or may hereafter have a population of not less than 400,000 nor more than 700,000 inhabitants to be known as Sections 9969a, 9969b, 9969c, 9969d, 9969e, 9969f, 9969g, 9969h, 9969i, 9969j, 9969k, 9969l, 9969m, 9969n and 9969o and repealing conflicting Acts and parts of Acts.”

I have vetoed the bill for the following reasons:

This is an Act to re-establish in Kansas City and Jackson County the old tax law that existed prior to the enactment of the Jones-Munger Law in 1933. In drawing this Bill, certain sections word for word in the old tax law have been copied and a repealing clause added repealing as to Kansas City and Jackson County the Jones-Munger Act.

There is no reason to repeal a law and enact a new law on the same subject unless the new law is an improvement over the old one. One of the outstanding faults of the old system of taxation, which House Bill No. 10 seeks to reinstate in Kansas City and Jackson County, was that it offered the property owner no opportunity, after judgment and sale of his property for taxes, to redeem the same. The outstanding feature of the Jones-Munger Law is that the property owner has two years in which to redeem his property.

Under House Bill No. 10, the highest bid at the tax sale will get the property; but the bid does not have to be sufficient to pay the taxes and the costs but, if enough is bid simply to pay the costs of the court and the attorney's fee, the bidder will get the title to the property and in such event no taxes would be collected but the costs will be paid including the attorney's fees.

Under the Jones-Munger Law, in the collection of taxes, the interests of the State are safe-guarded because the collector cannot sell the property either at the first or second annual offering for sale unless a sufficient bid is received to

take care of all of the taxes and costs. In this way, the collection of taxes so necessary for governmental function and for the schools is safeguarded in the Jones-Munger Law and entirely disregarded in House Bill No. 10.

Under House Bill No. 10, if land is sold for delinquent taxes merged in a judgment for the years 1931 and 1932, the people buying same will get a sheriff's deed although the taxes for the years 1934, 1935 and 1936 are delinquent and unpaid. This cannot happen under the Jones-Munger Law because under it the holder of a certificate of purchase cannot get a deed until he pays all of the taxes that have accrued since the issuance of his certificate as well as prior taxes that might remain due and unpaid on the property.

My information is, that, taking the State as a whole, more taxes are received under the Jones-Munger Law than under the old law.

Under the Jones-Munger Law, if the property be redeemed by the owner at a less amount than the tax, it can again be advertised for the balance of the taxes due and sold again.

The costs of sale, under the Jones-Munger Act, are negligible. It is said that a tract of land can be sold for taxes and redeemed at a cost not to exceed three dollars (\$3.00); while, under House Bill No. 10, the court costs and attorney's fees would frequently run from ten to twelve dollars.

I am of opinion that the existing law, known as the Jones-Munger Law, for the collection of taxes is a much better statute than House Bill No. 10 proposes to set up. The Jones-Munger Law is not perfect and could be amended so as to increase its efficiency but it is a better system than that offered by House Bill No. 10; and for these reasons, I veto House Bill No. 10 and return it to you without my approval.

Very truly yours,  
LLOYD C. STARK,  
Governor.

*VETO RECORDED WITH THE SECRETARY  
OF STATE*

JULY 1, 1937

*From the Journal of the House of Representatives, pp. 1344-1346*

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July 1, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my veto and without my approval, House Bill No. 48, entitled:

"An Act to repeal an act of the Fifty-seventh General Assembly of the State of Missouri, 1933, in regular session, relating to the compromise and striking off of uncollectible delinquent taxes and also relating to the collection of delinquent and back taxes and providing for foreclosure, sale and redemption of property upon which taxes remain delinquent and unpaid, approved April 7, 1933, and found in the Laws of Missouri, 1933, at pages 425, to 449, both inclusive, and to enact eighteen new sections in lieu thereof, to become a part of Article 9, Chapter 59, Revised Statutes of Missouri, 1929, and pertaining to delinquent and back taxes and providing for the making of the back tax book and penalty interest on delinquent taxes; redemption of property prior to sale; compromise of taxes; striking off of uncollectible taxes in cities of over three hundred thousand (300,000) inhabitants; disposition of overplus from tax sale; compensation of officials; bringing of suit by delinquent tax attorney; appointment and compensation of attorney, notice of suit; procedure to collect, tax bill prima facie evidence; employment and compensation of abstractor; form of judgment; suit to be tried at return term, sheriff's fees; sheriff may appoint collector as deputy; interested parties may pay taxes after suit commenced; and providing for institution of suits before dates named under certain conditions."

I have vetoed the bill for the following reasons:

House Bill No. 48 specifically repeals an Act of the Fifty-seventh General Assembly of the State of Missouri,



1933, Regular Session, relating to compromise and striking off of uncollectible delinquent taxes and relating to collection of delinquent back taxes, and providing for foreclosure sale and redemption of property upon which taxes remain delinquent, found in Laws of Missouri, 1933 at pages 425 to 429 [449] both inclusive, and commonly known as the "Jones-Munger Act," and enacts eighteen new sections in lieu of the Jones-Munger Act, relating to delinquent and back taxes, redemption of property prior to sale; striking off uncollectible taxes in certain cities; bringing of suit by delinquent tax attorney; appointment and compensation of attorney; procedure to collect a Tax Bill; form of judgment; sheriff's fees and providing for institution of suits before dates named under certain conditions.

The Jones-Munger Act is found on page 425, Session Laws of Missouri, 1933, and includes fifty-eight sections and was intended to supplant the old system of taxes which had been in vogue in this State for many years, and which itself was the outgrowth of somewhat absurd, often ridiculous and at times very harmful tax legislation of the State extending from the close of the Civil War period down to the time that the system practically wiped out by the Jones-Munger Law, was enacted.

House Bill No. 48 is but a re-enactment practically of the old tax law, or rather, of many sections of the old tax law as a comparison of the old tax law which House Bill No. 48 discloses.

The Jones-Munger Law, which was sought to be repealed herein was founded on the idea that the people will pay their taxes if they have the money; therefore, any tax law—the ultimate object of which would be, if taxes were not paid, to deprive owners of their property—should be as inexpensive as practicable and should give a fair opportunity to the owner of the property to redeem same.

One of the outstanding faults of the old system, which was repealed by the Jones-Munger Law, was that it afforded the property owner no opportunity, after judgment and sale of his property for taxes, to redeem the same while the out-

standing feature of the Jones-Munger Law is that the property owner has two years in which to redeem his property.

Under House Bill No. 48, the highest bid at the tax sale will get the property but the bid does not have to be sufficient to pay the taxes and the costs and may be confined, as under the old law, to enough to simply pay the costs and in such event no taxes would be collected but the costs will be paid including the attorney's fees and the land-owner's title will be taken from him.

Under the Jones-Munger Law, in the collection of taxes the interest of the State is safe-guarded because the Collector cannot sell the property either at the first or second annual offering for sale unless a sufficient bid is received to take care of all the taxes and costs. In this way, the collection of taxes—so necessary for the governmental function and the schools—is safeguarded in the Jones-Munger Law and entirely disregarded in House Bill No. 48.

The costs of sale under the Jones-Munger Act are negligible. It is said that a tract of land can be sold and redeemed at a cost not to exceed \$3.00, while under House Bill No. 48 the costs and attorney's fees would often run from \$12.00 to \$15.00. Another distinguishing feature is, that under the old law and under House Bill No. 48, if land is sold for delinquent taxes merged in a judgment for the years 1932 and 1933, the purchaser will get a sheriff's deed although taxes for the years 1934, 1935 and 1936 are then delinquent and unpaid. This cannot happen under the Jones-Munger Law because, under it, the holder of a certificate of purchase cannot get a deed until he pays all of the taxes that have accrued since issuance of his certificate as well as prior taxes that might remain due and unpaid on the property.

The author of House Bill No. 48 failed to take notice of some legislation which should have been repealed if House Bill No. 48 is to become a statute. Senate Bill No. 57 of the Fifty-Eighth General Assembly, found in Session Laws of Missouri, 1935, page 402, amended the Jones-Munger Law, and repealed and re-enacted a statute of limitations section of

the State Tax Law. This Act of 1935 related to the sale of delinquent property under the Jones-Munger Law and the collection of insurance thereon. House Bill No. 48 makes no attempt to repeal this Act of 1935, and, with the Jones-Munger Law repealed and House Bill No. 48 in force, a tangled condition of taxation will exist.

I am informed that, taking the State as a whole, more taxes are received under the Jones-Munger Law than under the old law. Under the Jones-Munger Law, if the property be redeemed by the owner at a less amount than the tax, it can be advertised for the balance due and sold again.

Under Senate Amendment No. 5 to House Bill No. 48, if the Bill is signed a chaotic condition will result. All land that has been advertised but not sold under the Jones-Munger Law will have to continue under the procedure of the Jones-Munger Law until completion because such procedure is mandatory under Senate Amendment No. 5 to House Bill No. 48. Land that has not been advertised under the Jones-Munger Law will come under the provisions of House Bill No. 48 and for several years chaos will result from this situation.

I consider the Jones-Munger Law, as a tax collection measure, much superior to House Bill No. 48 and, for the reasons hereinabove set forth I veto House Bill No. 48 and return it without my approval.

Very truly yours,

LLOYD C. STARK,

Governor.

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VETO RECORDED WITH THE SECRETARY  
OF STATE

JULY 1, 1937

*From the Journal of the House of Representatives, pp. 1347-1348*

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July 1, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my veto and without my approval, House Bill No. 228, entitled:

“An Act providing for the supervision, regulation, licensing and taxing of itinerant merchants using motor vehicles and the business conducted by them; defining the term “itinerant merchant” as used in this Act; requiring bonds for security for payment of taxes; conferring jurisdiction upon the Secretary of State for the administration and enforcement of this act and empowering the Secretary of State to issue all necessary rules and regulations governing itinerant merchants and providing for the grounds upon which the Secretary of State can revoke a license; providing for the appointment of the Secretary of State as the agent of itinerant merchants for the service of process and providing for the service of process on such agent; providing for the carrying of a manifest by such itinerant merchants; providing certain exemptions; and prescribing penalties for violation of this Act.”

I have vetoed the bill for the following reasons:

I am in favor of regulation and licensing of itinerant merchants, using motor vehicles. I would be glad to approve what I consider a purely regulatory measure for these itinerant dealers in merchandise who travel from place to place in our State carrying on their business. In my opinion this Bill is too drastic in its provisions and goes so far beyond regulation that it would amount to practically a prohibition of the business engaged in by itinerant merchants. To illustrate, Section 10 of the Act provides:

“Each itinerant merchant shall carry on the vehicle or vehicles used by him a manifest on a form to be prescribed by the Secretary of State showing a description of the cargo being transported on the vehicle or vehicles, where loaded and from whom purchased and the weight of measure upon which the purchase was made and if purchased upon weight where and by whom weighed and the weight obtained at said weighing. When the cargo or any portion thereof is sold the name and address of the purchaser, a description of the property and amount thereof sold, and the price received, must be entered on such manifest. Such manifest shall be kept in duplicate and a copy preserved by the itinerant mer-

chant and the original, signed by him, for each calendar month covering any business in this state shall be filed by such itinerant merchant with the Secretary of State by the 15th day of the following month."

Again in Section 7 of the Act dealing with forfeiture of license upon hearing by Secretary of State, the Bill provides: "(3) For failure to comply with any rules and regulations issued under the provisions of this Act." Section 8 of the Act provides: "The Secretary of State is hereby authorized and empowered to make and issue all necessary and proper rules and regulations to cover the proper administration and enforcement of this Act."

The two above quoted excerpts, with reference to forfeiture of license, places too broad a power in the hands of an official even if the court should hold that it is not a direct delegation by the Legislature of its power.

For the reason that this Bill, if enacted and approved, would eliminate competition by itinerant peddlers or merchants by legislation, I veto House Bill No. 228 and return it without my approval.

Very truly yours,  
LLOYD C. STARK,  
Governor.

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VETO RECORDED WITH THE SECRETARY  
OF STATE

JULY 1, 1937

*From the Journal of the Senate, p. 1321*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 1, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my veto and without my approval, Senate Bill No. 206, entitled:

"An Act to amend Section 10592 of Article 17, Chapter 61, Revised Statutes of Missouri, 1929, relating to correction, verification and printing of registers, by striking out the words "in plain, large type" in line 28 and inserting in lieu thereof the words "direct from type."

I have vetoed the bill for the following reasons:

The existing law provides as follows:

" . . . and thereupon the board of election commissioners shall at once cause copies to be made of the registers, all of the names upon the same, with the address and registration number not marked erased, and shall have the same arranged according to the streets . . . , and shall then cause such precinct register, under such arrangement, to be printed *in plain, large type*, in sufficient numbers to meet all demands; and upon application, a copy of the same shall be given to any person in such precinct."

This Bill eliminates from the existing law the four words "in plain, large type" and substitutes therefor the three following words, "direct from type."

My inquiry about the trade meaning of the words "direct from type" leads me to conclude the statute now existing, as amended by this proposed enactment, would preclude printing the lists of voters in any other manner than direct from type, thus eliminating those using other methods of printing than the method known in the trade as "direct from type" from competing for the business of printing said lists of voters.

In my opinion, this Bill has for its objective the elimination by legislative enactment of free and open competition, and for this reason I *veto* Senate Bill No. 206 and return it without my approval.

Very truly yours,  
LLOYD C. STARK,  
Governor.

**VETO RECORDED WITH THE SECRETARY  
OF STATE**

JULY 1, 1937

*From the Journal of the Senate, pp. 1322-1323*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 1, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my veto and without my approval, Senate Bill No. 226, entitled:

"An Act to amend Chapter 59, Revised Statutes of Missouri 1929, with all amendments thereto, relating to "Taxation and Revenue," "Delinquent and Back Taxes" and collection of same by adding a new Article thereto to be known as Article 9B entitled "Delinquent and Back Taxes in Certain Counties" comprising fifteen new sections and pertaining to the same subject and applying to counties which now have or may hereafter have a population of not less than 80,000 nor more than 125,000 inhabitants to be known as Sections 9969p, 9969q, 9969r, 9969s, 9969t, 9969u, 9969v, 9969w, 9969x, 9969y, 9969z, 9969z1, 9969z2, 9969z3 and 9969z4 and repealing conflicting Acts and parts of Acts."

I have vetoed the bill for the following reasons:

This Bill, if made a statute, in its practical operation would apply only to Buchanan and Greene Counties. It is in legal effect a companion Bill to House Bill No. 10 applying to Jackson County, and the objective is to repeal the Jones-Munger Law insofar as Buchanan and Greene Counties are concerned and re-establishment of the old tax law which was in force prior to the enactment of the Jones-Munger Act in 1933. In the main, this Bill is composed of Sections taken bodily from the old law repealed by the Jones-Munger Act.

Under Senate Bill No. 226, no opportunity is afforded the property owner, after judgment and sale of his property for taxes, to redeem the same.

Under Senate Bill No. 226, the highest bid at the tax sale will get the property, but the bid may be only enough to pay the court costs and the attorney's fees, and in such event no taxes would be collected, but the landowner's title would be taken from him.

Under Senate Bill No. 226, the costs of attorney's fees and the court costs would often run from twelve to fifteen dollars.

Under Senate Bill No. 226, if land is sold for delinquent taxes for the years 1930 and 1931, the purchaser will get a sheriff's deed although taxes for the years 1932, 1933, 1934 and 1935 are then delinquent and unpaid.

The outstanding feature of the Jones-Munger Law is that the property owner has two years in which to redeem his property. Under the Jones-Munger Law, now in existence, in the collection of taxes the interest of the State is safeguarded because the Collector cannot sell the property either at the first or second annual offering for sale unless a sufficient bid is received to take care of all the taxes and costs. In this way, the collection of taxes—so necessary for support of the government of the State and the schools—is safeguarded in the Jones-Munger Law and entirely disregarded in Senate Bill No. 226.

The costs of sale, under the Jones-Munger Act are negligible. It is said that a tract of land can be sold and redeemed, under the Jones-Munger Act, at a cost not to exceed three dollars (\$3.00).

Under the existing Jones-Munger Law, the holder of the certificate of purchase cannot get a deed until he pays all of the taxes that have accrued since issuance of his certificate, as well as prior taxes that might remain due and unpaid on the property. Under the Jones-Munger Act, if the property be redeemed by the owner at a less amount than the tax, it can again be advertised for the balance of the tax due and sold.

I am informed, taking the State as a whole, that more taxes are received under the Jones-Munger Law than under the old law.



There is another objection to this Bill and that is this: It would set up in a local way in the counties of Buchanan and Greene an entirely different system of taxation from that which maintains and would maintain in the remainder of the State.

I am of opinion that the Jones-Munger Act now in force is much superior and more beneficial to the people of this State in the collection of taxes and a protection of the rights of the property holder than is the old system repealed by the Jones-Munger Act, and which old system Senate Bill No. 226 seeks to re-establish in the counties of Buchanan and Greene; and, for these reasons, I *veto* Senate Bill No. 226 and return it without my approval.

Very truly yours,  
LLOYD C. STARK,  
Governor.

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### TO THE GENERAL ASSEMBLY

APRIL 5, 1939

*From the Journal of the Senate, pp. 674-675*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 5, 1939.

*To the Members of the 60th General Assembly of the State of Missouri:*

I return to you, with my veto and without my approval, Committee Substitute for Senate Bill No. 54, entitled:

“An Act to provide for the establishment of sewer divisions and sewer districts in Counties now having or which may hereafter have a population of not less than four hundred thousand inhabitants nor more than seven hundred thousand inhabitants, providing for the construction of district or joint district sewers in any unincorporated village or residence district in such county in which main and branch outlet sewers have

already been constructed, or hereafter may be constructed or deemed necessary, and to provide for the payment of the cost thereof by the application of Federal or other Governmental aid or by the levy of special assessments therefor against the lots, tracts or parcels of ground in such districts, and to issue Special Tax Bills evidencing such assessments; and to assess and levy special assessments against the lots, tracts or parcels of ground in any such sewer division for the purpose of repairing and maintaining the sewers in such sewer division, with an emergency clause."

This Bill is applicable to counties of not less than Four Hundred Thousand inhabitants nor more than Seven Hundred Thousand inhabitants. The Bill applies to areas of heavily populated territory adjoining large cities.

This Bill authorizes the County Court of Counties to which it applies, to initiate proceedings leading to building of sewers.

I am of the opinion the power to initiate proceedings for installing sewers should be left with property owners of the proposed sewer district.

Section 16 of the Bill Provides:

"Upon the recommendation of the Sewer Engineer, the County Court, by resolution shall have authority to levy a special assessment upon all the lots, tracts or parcels of land in any sewer division established as herein provided for repair and maintenance and administrative expense of the sewers in such sewer division, the said assessment to be levied according to the valuation of the lots, tracts or parcels of land exclusive of improvements, as shown upon the assessment books prepared by the Assessor of such County, said assessment not to exceed 2% of such assessed valuation."

My investigation leads me to believe 2% on assessed valuation of lots, tracts or parcels of land exclusive of im-

provements is too high a rate for repair, maintenance and administrative expenses.

The Bill should make specific provision for Sewer Districts to make a contract or contracts with any Municipal corporation to discharge sewage into any part of the district sewage system built by the District for such compensation as may be agreed upon between the Sewer District and the Municipality.

The Provisions of this Bill are not sufficient in regard to contracts with municipal corporations for use of the sewers built by the District.

This proposed Statute places the maintenance, repair and administration and building of the sewers in the County Court. The control of the building, maintenance, repair and administration of the sewers should be in the hands of a Board of Trustees elected by the owners of land within the Sewer District.

For the reasons above set forth, I return to you without my approval Committee Substitute for Senate Bill No. 54.

Very respectfully,  
LLOYD C. STARK,  
Governor.

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### TO THE GENERAL ASSEMBLY

APRIL 11, 1939

*From the Journal of the House of Representatives, pp. 813-815*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 11, 1939.

*To the Members of the 60th General Assembly of Missouri,  
Jefferson City, Missouri:*

I return you with my veto and without my approval House Bill No. 31, entitled:

“An Act to repeal Sections 3826 and 3828 of Article 19, Chapter 29, of the Revised Statutes of Missouri,

1929, relating to "Costs in Criminal Cases," and to enact two new sections in lieu thereof to be known as Sections 3826 and 3828, and relating to the same subject, and declaring the same to be a Revision Bill."

The existing Section 3826, Revised Statutes of Missouri of 1929, provides:

"In all capital cases in which the defendant shall be convicted, and in all cases in which the defendant shall be sentenced to imprisonment in the penitentiary, and in cases where such person is convicted of an offense punishable solely by imprisonment in the penitentiary, and is sentenced to imprisonment in the county jail, workhouse or reform school because such person is under the age of eighteen years, the State shall pay the costs, if the defendant shall be unable to pay them, except costs incurred on behalf of the defendant."

Under the existing Section 3826 there are three classes of cases in which, if the defendant is convicted the State is liable for costs incurred by it:

First—in all capital cases where the defendant is convicted;

Second—in all cases where the defendant is sentenced to imprisonment in the penitentiary;

Third—in cases where a person is convicted of an offense punishable solely by imprisonment in the penitentiary and by reason of his youthful age is sent, under the Statute, to the county jail, workhouse or reform school.

The proposed House Bill No. 31 alters the existing Statute 3826 very materially by imposing much more costs on the State.

Section 3826 as proposed to be altered and as set forth in House Bill No. 31, provides:

"In all capital cases in which the defendant shall be convicted, and in all cases in which the defendant

could have been sentenced to imprisonment in the penitentiary whether imprisonment in the penitentiary was the punishment actually imposed or not, and in cases where such person is convicted of an offense punishable by imprisonment in the penitentiary and is sentenced to imprisonment in the county jail, workhouse or reform school because such person is under the age of eighteen years, the state shall pay the costs, if the defendant shall be unable to pay them, except costs incurred on behalf of the defendant."

There is a wide difference in the phraseology and legal effect of Section 3826 as it stands in the Statute now and Section 3826 altered, as it appears in House Bill No. 31.

Under the present Statute the defendant must be actually sentenced to imprisonment in the penitentiary before the State is liable for the costs.

There are many sections of the criminal code of Missouri fixing as punishment for a designated crime a maximum penalty of a penitentiary sentence and a minimum penalty therefor of jail sentence or fine, or both jail sentence and fine.

Under House Bill No. 31, if the defendant should under some of the criminal statutes be convicted and sentenced to the county jail or fined, or both fined and sent to jail, although he might have been, under the Statutes sentenced to the penitentiary, the State would be liable for the cost. Such a change in the statutory law as proposed by repeal of Section 3826, and enactment of Section 3826, as set forth in House Bill No. 31, would impose a vast new burden of criminal costs on the State.

House Bill No. 31 also repeals Section 3828, relating to payment of costs in criminal cases where the defendant is acquitted and proposes a new section in lieu thereof relating to same subject and with same Section number.

Section 3828; of the existing Revised Statutes of 1929 of Missouri, provides:

"In all capital cases, and those in which imprisonment in the penitentiary is the sole punishment for the

offense, if the defendant is acquitted, the costs shall be paid by the State; and in all other trials on indictments or information, if the defendant is acquitted, the costs shall be paid by the county in which the indictment was found or information filed, except when the prosecutor shall be adjudged to pay them or it shall be otherwise provided for by law."

The proposed new Section 3828, set forth in House Bill No. 31, provides:

"In all capital cases and those in which imprisonment in the penitentiary could have been the punishment imposed for the offense, whether it is the punishment actually imposed for the offense or not, if the defendant is acquitted the costs shall be paid by the State; . . . . ."

The remaining part of Section 3828, in House Bill No. 31, is identical with Section 3828 as it now exists in the State Statutes. The existing law only makes the State liable for costs if the defendant is acquitted in a capital case, or if imprisonment in the penitentiary is the sole punishment for the offense; while House Bill No. 31, makes the State liable for the costs if the defendant is acquitted in all capital cases, and all those in which imprisonment in the penitentiary may be the punishment, and those in which both imprisonment in the penitentiary or an alternative imprisonment in the county jail or a fine, or both such imprisonment in the county jail and fine are fixed as a punishment.

This provision of House Bill No. 31 would saddle upon the State the payment of a large additional amount of costs in criminal cases for which the State is not now legally liable.

The provisions in the existing Statutes relating to taxing costs in criminal cases against the State and the counties respectively, have been the law of Missouri for a considerable number of years, and I see no justification for changing same.

For the reason there is, in my opinion, no justification for changing the Statute law so as to increase the financial burden of the State with reference to payment of costs in criminal cases, I veto House Bill No. 31 and return it to you without my approval.

LLOYD C. STARK,  
Governor of the State of Missouri.

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*TO THE GENERAL ASSEMBLY*

APRIL 11, 1939

*From the Journal of the House of Representatives, pp. 816-817*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 11, 1939.

House Bill No. 383.

*To the Members of the 60th General Assembly of the State of Missouri, Jefferson City, Missouri:*

I return you herewith House Bill No. 383, being entitled:

“An Act to repeal Section 7771, Article One (1), Chapter Forty-one (41), of the Revised Statutes of Missouri, 1929, relating to “Motor Vehicles,” and to enact in lieu thereof a new section, to be known as Section 7771, relating to the same subject matter; and providing the General Assembly expressly determines this Act to be a revision Act within the meaning of Section 41, Article IV, of the Constitution of Missouri.”

The Section of the Statute repealed by this Act and reenacted with an amendment thereto provides as follows:

SECTION 7771. In the event of the loss, mutilation or destruction of any certificate of registration, certificate of ownership, number plate or badge issued

by the commissioner, the lawful holder thereof may, upon filing with the commissioner an affidavit showing such fact, and on the payment of a fee of \$1.00 obtain a duplicate of such plate, certificate or badge.

This Section has been in the Statute in its present form for many years. The new statute proposed to be enacted by House Bill No. 383 in lieu of the Statute as it exists now, eliminates from the present Statute the words "certificate of registration."

Under this new proposed Section 7771, an owner of a car who should be unfortunate enough to loose his certificate of registration would have no statute specifically directing the Commissioner of Motor Vehicles to issue to him another certificate of registration in lieu of the one lost, mutilated or destroyed.

These certificates of registration are the little slips of paper motorists are presumed to carry in their cars to identify themselves as the persons to whom the license plates were issued. You get a new certificate of registration every year. I am led to believe it is not at all unusual for people to lose their certificates of registration.

I can see no way in which the provisions of Section 7771, as same now exists, can be harmful in operation to the owners and users of automobiles, but, on the other hand, I am inclined to the belief that a provision for having another certificate issued in case of loss, mutilation or destruction of the one held by the car owner together with the provision in the now existing Statute for an affidavit attesting the fact of the loss, mutilation or destruction of said certificate is a highly beneficial legislative provision.

As I see no sound reason for eliminating the provision with reference to issuance of the new certificate of registration on application of the automobile owners, and at the same time leave on the Statute Books a law requiring the Commissioner of Motor Vehicles to issue new number plates, badges, or certificates of ownership in case of loss, mutilation or destruction of the same, and for that reason,



I, therefore, veto House Bill No. 383 and return it without my approval.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE GENERAL ASSEMBLY*

APRIL 27, 1939

*From the Journal of the House of Representatives, pp. 1172-1173*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 27, 1939.

*Members of the 60th General Assembly of the State of Missouri,  
Jefferson City, Missouri.*

I return you herewith House Bill No. 228 entitled:

AN ACT

“To repeal Section 9527 of Article 16, Chapter 57, Revised Statutes of Missouri, 1929, relating to the time, manner and method of electing school directors and the submission of other matters in school districts in cities of 75,000 and less than 500,000 inhabitants and to enact in lieu thereof a new section to be known as Section 9527 relating to the same subject matter, with an emergency clause and declaring this act to be a revision act within the meaning of Section 41, Article IV of the Constitution of Missouri.”

This bill relates to the time, manner and method of electing school directors and submission of other matters in school districts in Kansas City and St. Joseph, Missouri, only.

The existing law requires the publication of notices of election to be published at least twenty days before the election in at least two papers for six days each week.

It is proposed by this bill to repeal the existing Section 9527, Revised Statutes of Missouri, 1929, and enact a new section in lieu thereof, relating to the same subject and carrying the same number as the old section.

The bill provides for publication of notices of election in two papers, the first publication to be not less than ten days before the election and the second not more than two days before the election. Otherwise, than this change as to the period of time for notice of publication of elections in school districts, the bill corresponds identically with the existing Section 9527 to the end of said section and then it is provided that if such election be only for the purpose of electing directors of the school board, there need be only one publication in each of such newspapers, the same to be not more than ten days prior to such election. The published notices in the two papers may be combined with the notice of any election of officers of the municipality in which the district is situated.

This bill carries an emergency clause. It is my opinion that the emergency clause attached to this bill is invalid. The invalidity of the emergency clause, however, will not affect the validity of the remainder of the bill.

I am of the opinion that the present twenty-day notice of the election should not be reduced to ten days. Ten days, in my judgment, is too short a period of time for publication of notice of a school election in the Kansas City and St. Joseph school districts. Therefore, I veto House Bill No. 228 and return same to you.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

## TO THE GENERAL ASSEMBLY

APRIL 28, 1939

*From the Journal of the House of Representatives, pp. 1173-1174*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 28, 1939.

*To the Members of the 60th General Assembly, Jefferson City, Missouri.*

I return you House Bill No. 226, entitled:

## AN ACT

“To repeal an act of the 58th General Assembly of the State of Missouri found in the Laws of Missouri, 1935, at page 353, entitled “An act to repeal Section 9533, Article 16, Chapter 57, Revised Statutes of Missouri, 1929, relating to increase of tax levy for purchasing sites and making school improvements and providing for the method of voting on same in school districts in cities of 75,000 and less than 500,000 and to enact in lieu thereof a new section relating to the same subject to be known as Section 9533, with an emergency clause,” and to enact in lieu thereof a new section to be known as Section 9533 relating to the same subject matter, with an emergency clause; providing that the General Assembly hereby determines this act to be a revision act within the meaning of Section 41, Article IV of the Constitution of Missouri.”

This bill repeals the existing statute on the same subject and re-enacts same with some amendments thereto. This section in the existing statute and in House Bill No. 226 gives power to purchase sites and additional grounds for erecting buildings and authorizes increase of the annual rate of taxation upon the vote of the people of the district for the pur-

pose of meeting the expenses thereof. The existing statute provides for publication of a notice in at least two newspapers in the district for twenty days and not less than six days in each week of an election to be held upon the question of increasing the taxation for either purchasing additional ground or sites or for erection of buildings.

House Bill No. 226 shortens this time to ten days and provides for notice of election being published in each of two newspapers published not less than six days per week, the first notice to be published not less than ten days and the second not more than two days before the day of said election.

Where the people of a school district vote upon the question of increased taxation, I think ample notice thereof should be given. In my judgment the provision in the existing law for twenty days' notice of such election is none too long a period of time. I believe the ten days fixed for notice in the proposed bill is too short. These public schools are the property of the school districts and, primarily, the taxpayers are the ones who are interested therein, and there should be, in my judgment, no undue haste in the legal steps necessary to increase taxation. Therefore, believing as I do that the period of time for publication of notice of an election to increase taxation in the school districts of Kansas City and St. Joseph should not be reduced from twenty days to ten days, I veto House Bill No. 226 and return same to you.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE GENERAL ASSEMBLY*

APRIL 28, 1939

*From the Journal of the House of Representatives, pp. 1174-1175*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 28, 1939.

*To the Members of the 60th General Assembly of the State of Missouri, Jefferson City, Missouri.*

I return to you herewith House Bill No. 227, entitled:

## AN ACT

“To repeal an act of the 58th General Assembly of the State of Missouri appearing in the Laws of Missouri, 1935 at page 355 entitled “An Act to repeal Section 9528, Article 16, Chapter 57, Revised Statutes of Missouri, 1929, relating to school loans and method of voting on same in school districts of cities of 75,000 and less than 500,000 and to enact in lieu thereof a new section relating to the same subject to be known as Section 9528, with an emergency clause,” and to enact a new section in lieu thereof to be known as Section 9528 relating to the same subject matter, with an emergency clause; providing that the General Assembly hereby determines this act to be a revision act within the meaning of Section 41 Article IV of the Constitution of Missouri.”

The provisions of this bill apply only to the school districts of the cities of St. Joseph and Kansas City.

The objective of this bill is to shorten the time of the notice to be given of the date of the election upon the question of a loan and issue of bonds by the school districts for purchase of sites for school buildings and other structures used in connection with the operation of the school districts and for the erection of schoolhouses, janitors' houses, repair

buildings and supply houses used in the operation and maintenance of schools and libraries, containing the offices of the Board, art galleries and museums; and building additions to, remodeling and reconstructing buildings existing at the time of making the loan, and furnishing the same.

The existing statute provides a notice of said elections shall be given at least twenty days before same are held by publication in at least two newspapers printed and published in the school districts not less than six days each week.

The bill provides:

“Notice of said election, the amount of the loan required, and for what purpose, shall be given at least ten days before the same shall be held by the insertion of two notices in each of two newspapers printed and published not less than six days per week in the district where the election shall be held, the first notice to be published not less than ten days and the second notice not more than two days before the date of said election.”

The reason assigned for shortening the period of time for publication of notices of the election is the saving in the cost of the publication of the notices.

The question submitted would be whether or not the district should make a loan and issue bonds to pay for sites for buildings or for erection of buildings or both. Under these circumstances, where the taxpayers of the district are asked to go in debt and issue interest bearing bonds, ten days, in my judgment, is too short a time for notice of such an election.

The statute which it is proposed to repeal by this act requires twenty days' notice for such election. I think this period of twenty days notice of a school district election for increasing indebtedness in the school districts of Kansas City and St. Joseph, should be allowed to stand, and for this reason, I veto House Bill No. 227 and return same to you.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE GENERAL ASSEMBLY*

MAY 6, 1939

*From the Journal of the House of Representatives, pp. 1356-1357*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 6, 1939.

LLOYD C. STARK  
GOVERNOR*To the Members of the 60th General Assembly of Missouri,  
Jefferson City, Missouri.*

I return to you House Bill No. 102, entitled:

## AN ACT

“To amend an act of the 59th General Assembly approved June 26, 1937, and found at pages 289, 290, 291, 292, 293, and 294, Session Laws, 1937, in reference to permanent registration of voters in cities having a population of thirty thousand inhabitants to eighty thousand inhabitants by adding thereto a new section authorizing the city clerk to perform certain duties.”

The bill amends an act of the 59th General Assembly found at pages 289, 290, 291, 292, 293 and 294, Session Laws of 1937, in reference to permanent registration of voters in cities having a population of thirty thousand to eighty thousand, by inserting a section to be known as Section 5A between Sections 5 and 6 of the said act of 1937.

The proposed new section reads as follows:

“In all counties wherein a city of thirty thousand to fifty thousand is located and where said city is not the county seat, the city clerk of said city shall have custody of and keep in his office, all registration books and affidavits. . . . .”

Then follows provision with reference to registration. This bill applies to counties now having cities which are not county seats and contain from thirty to eighty thousand inhabitants.

House Bill No. 102, as written, does not and never can apply to cities of Second Class which may hereafter acquire thirty thousand to eighty thousand inhabitants, and this omission to embrace in terms of the Bill cities which may hereafter acquire thirty thousand to eighty thousand inhabitants, makes the proposed new section local and special in its operation.

The language in which this Bill is couched causes it to violate Section 53, Article IV of the State Constitution prohibiting local and special legislation.

For the reason that House Bill No. 102 violates Section 53, Article IV, of the State Constitution, I veto it.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE GENERAL ASSEMBLY

MAY 15, 1939

*From the Journal of the House of Representatives, pp. 1489-1490*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 15, 1939.

*To the Members of the 60th General Assembly, Jefferson City,  
Missouri.*

I return to you House Bill No. 75, entitled:

### AN ACT

“To repeal Section 9435 of Article 10, Chapter 57, of the Laws of Missouri, as enacted by the Fifty-Seventh General Assembly of the State of Missouri, found in



the laws of Missouri for the year 1933, page 379, and page 380, and approved March 16, 1933, and to enact in lieu thereof two new sections to be known as Section 9435 and Section 9435b; which said sections impose upon the County Superintendent of Schools of the several counties, with certain exceptions, the powers, duties, and obligations to act as county school attendance officer, and providing that where any law confers any power or powers, or imposes any duty or duties, upon a county school attendance officer such laws shall be construed to mean the County Superintendent of Schools, except as otherwise provided by this act; and providing for their compensation for the performance of such duties, and determining this to be a Revision Bill."

House Bill No. 75 repeals an Act found in Session Laws of Missouri, 1933, pages 379 and 380, requiring County Superintendent of Schools in each county to act as school attendance officer of the county, without additional compensation for such services, and re-enacts said section in substantially the same terms omitting, however, the provision requiring the Superintendent of Schools to act as school attendance officer without compensation, and adding a new section to be known as Section 9435b fixing a sliding scale of compensation based on the population of the county, for county school superintendents' services acting as attendance officer in their respective counties; and providing that the payments for said services should be made from money appropriated by the General Assembly for support and maintenance of the public schools of the State.

Section 5 of Article XI of the Constitution of our State provides:

" . . . The annual income of which fund (referring to the school fund) together with so much of the ordinary revenue of the State as may be set apart for that purpose shall be faithfully appropriated for establishing and maintaining the free public schools and the State

University in this Article provided for and for no other uses or purposes whatsoever."

House Bill No. 75 specifically provides the increase in pay of the County Superintendents of Schools shall be paid, "out of funds appropriated by the General Assembly for the support and maintenance of public schools under the provisions of Article 11, Section 7, of the Constitution of Missouri."

Section 7 of Article XI of the Missouri State Constitution provides:

"In case the public school fund now provided and set apart by law for the support of the free public schools shall be insufficient to sustain a free school at least four months in every year in each school district in this State, the General Assembly may provide for such deficiency in accordance with Section Eleven of the Article on Revenue and Taxation; but, in no case shall there be set apart less than twenty-five per cent of the State Revenue exclusive of the interest and sinking fund, to be applied annually to the support of the public schools."

It is a matter of common knowledge that the public schools have been so short of funds, the Legislature has been compelled to appropriate much more than twenty-five per cent of the State revenue for support of the public schools.

The plain command of the Constitution of Missouri is:

". . . So much of the ordinary revenue of the State as may be set apart for that purpose shall be faithfully appropriated for establishing and maintaining the free public schools and the State University in this Article provided for and for no other uses and purposes whatsoever."

This Constitutional provision creates a trust fund to be used only for the education of the school children and the support of the State University. This trust fund cannot and should not be used for any purpose except for maintaining the free public schools and the State University.

I am of the opinion, House Bill No. 75 is unconstitutional because it directs funds, appropriated for the use of the free public schools and the State University to be used for increasing the compensation of the County School Superintendents.

The General Assembly can, however, increase the compensation of the County School Superintendents by taking the funds from the General Revenue.

For the reasons above set forth, I veto House Bill No. 75 and return it to you.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE GENERAL ASSEMBLY

MAY 16, 1939

*From the Journal of the House of Representatives, pp. 1475-1476*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 16, 1939.

*To the Members of the 60th General Assembly of the State of Missouri, Jefferson City, Missouri.*

I return to you House Bill No. 307, entitled:

### AN ACT

“To repeal Section 8351 of an Act of the Fifty-seventh General Assembly, approved May 8, 1933, found in Laws of Missouri, 1933, pages 330 to 333 inclusive, relating to the Missouri training school for boys, and relating to the power of the Governor to commute the

punishment of male persons at said institution, and relating to the power of the Governor to revoke the commutation granted such persons under certain conditions, and to enact a new section in lieu thereof relating to the same subject matter and to be known as Section 8351, and declaring this act to be a revision bill.”

This Act repeals Section 8351 as same appears in Session Laws of Missouri of 1933, pages 330-333 inclusive and states that the Act repealed relates to the Missouri Training School for Boys and the power of the Governor to commute the punishment of male persons at said institution and relating to the power of the Governor to revoke the commutation granted such persons, and enacts a new section in lieu thereof, relating to the same subject matter and to be known as Section 8351.

Section 8351, as same appears in the Session Laws of Missouri of 1933, page 332, authorizes the Governor to transfer any male inmate of the Penitentiary to the Missouri Intermediate Reformatory when he deems it proper so to do.

It is obvious that the section of the statute referred to in the Session Laws of Missouri, 1933, does not relate to the Missouri Training School for Boys at Boonville.

The title of this Act, in my opinion is misleading in that it states the repealed section relates to the Missouri Training School for Boys, while said section does not deal with the Missouri Training School for Boys in any manner. In my opinion, this title does not comply with the provisions of the State Constitution.

House Bill No. 307 specifically authorizes the Governor to commute punishment of any male person under twenty-five years of age who may heretofore have been or may hereafter be sentenced to the Missouri Penitentiary whom he may deem suitable to be sent to the Missouri Training School for Boys, to commitment in the Missouri Training School for Boys for such term as he may think proper, not exceeding the time for which said person may be sentenced to the Penitentiary.

I am opposed to the transfer of inmates of the Penitentiary to the Missouri Training School for Boys at Boonville. These inmates of the Missouri Penitentiary should be transferred to the Intermediate Reformatory.

I believe Section 8351, as it appears in the Session Laws of Missouri, 1933, page 332 should be left intact as it furnishes the method of transferring inmates of the Missouri Penitentiary under twenty-five years of age to the Missouri Intermediate Reformatory when conditions justify such transfer.

For the reasons hereinabove stated, I veto House Bill No. 307 and return same to you.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE GENERAL ASSEMBLY

MAY 26, 1939

*From the Journal of the House of Representatives, p. 1550*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 26, 1939.

*To the Members of the 60th General Assembly of the State of Missouri, Jefferson City, Missouri.*

I return to you House Bill No. 261, entitled:

### AN ACT

“To amend Section 324, Article 15, Chapter 1, Revised Statutes of Missouri, 1929, relating to widower inheriting from wife under certain conditions, by striking out the words ‘real and’ in line 7 of said section, and declaring this to be a revision bill.”

Under the existing statute, Section 324, Revised Statutes of Missouri, 1929, a wife dying without any child or

other decendants capable of inheriting, her widower is entitled to one-half interest in the real and personal estate belonging to the wife at the time of her death, absolutely, subject to payment of the wife's debts.

House Bill No. 261 changes the existing statute by limiting the property which shall descend to the widower, under the conditions above outlined, to one-half the personal estate, only, belonging to the wife at the time of her death.

I believe the provision of House Bill No. 261, limiting the property which shall descend to the husband, under the conditions above outlined to one-half of the personal estate, only, belonging to the wife at the time of her death is unjust and unfair to the husband and for this reason I veto House Bill No. 261.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE GENERAL ASSEMBLY

MAY 29, 1939

*From the Journal of the Senate, p. 1722*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

MAY 29, 1939.

*To the Members of the 60th General Assembly, Jefferson City,  
Missouri.*

I return to you Senate Bill No. 36, entitled:

### AN ACT

"To amend Section 17 of an act of the 57th General Assembly approved May 12, 1933, appearing in Laws of Missouri 1933, page 340, said section being found at pages 349 and 350 relating to the borrowing of money by a county court in anticipation of the collection of

taxes by striking out of line 4 of said section 17 the word 'seventy-five' and inserting in lieu thereof the word 'ninety', and determining this to be a Revision Bill."

The same subject dealt with in Senate Bill No. 36 is covered in exactly the same way by Senate Bill No. 316, except that Senate Bill No. 316 does not require the loan made in anticipation of uncollected but estimated collectible revenues, to be paid out of the revenues for the year in which the loan is made.

Each of these Bills are meritorious but duplication upon the same subject is unnecessary.

For the reason that, by placing Senate Bill No. 36 and Senate Bill No. 316 upon the Statute Books, there would be a duplication of legislation, I hereby veto Senate Bill No. 36.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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### TO THE GENERAL ASSEMBLY

JUNE 1, 1939

*From the Journal of the Senate, pp. 1725-1726*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 1, 1939.

*To the Members of the 60th General Assembly, Jefferson City, Missouri.*

I return to you Senate Bill No. 276, entitled:

### AN ACT

"To repeal Section 8296, Article 2, Chapter 43, of the Revised Statutes of Missouri, 1929, of the Fish and Game Laws of Missouri relating to the forfeiting of certain articles to the State and the sale and disposition

of the funds thereof, and to enact in lieu thereof a new section to be known as Section 8296, relating to the same subject matter, and declaring this to be a revision bill."

Senate Bill No. 276 repeals Section 8296, Article 2, Chapter 43, of the Revised Statutes of Missouri of 1929, relating to the forfeiture to the State of Articles unlawfully used contrary to the Fish and Game Laws of Missouri.

Senate Bill No. 276 provides:

"Upon a showing to the Court of competent jurisdiction of the unlawful use of any articles contrary to the provisions of the Game and Fish Laws, the same may be forfeited, but such forfeiture shall be left in the discretion of the Court; provided that there shall be no forfeiture of any property until there has been a conviction of the defendant by trial, or upon the defendant's plea of guilty; and in case any property is so forfeited to the State, the Court shall enter a judgment of forfeiture and specify the property so forfeited before such property is taken from the defendant.

"In case of any forfeiture as provided for herein, said property shall be either destroyed, used in the work of the Conservation Commission, or sold by the Conservation Commission and the money derived from the sale thereof, placed in the Conservation Commission Fund."

The provision in Senate Bill No. 276 that a judgment of forfeiture must be entered by a Court before an article unlawfully used, contrary to the Game and Fish laws, can be taken from the defendant would seriously obstruct the enforcement of the Game and Fish Laws.

The fact that the articles used by violators of the Game and Fish Laws are taken into custody of the agents of the Conservation Commission is frequently one of the most effective means for enforcing the laws for preservation of game and fish.



For the reason, I believe Senate Bill No. 276 will tend to obstruct and hinder the enforcement of the Game and Fish Laws, I veto Senate Bill No. 276.

Respectfully submitted,

LLOYD C. STARK,  
Governor.

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TO THE GENERAL ASSEMBLY

JUNE 2, 1939

*From the Journal of the Senate, pp. 1723-1724*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 2, 1939.

*To the Members of the 60th General Assembly, Jefferson City,  
Missouri.*

I return to you Senate Bill No. 39, entitled:

AN ACT

“To repeal Section 5264, Laws of Missouri 1931, pages 304 to 306 inclusive, approved May 6, 1931, and Section 5265, Laws of Missouri 1937, pages 439 and 440, approved June 29, 1937, relating to transportation of persons and property for hire over the public highways of the State of Missouri by motor vehicles, and to enact in lieu thereof two new sections to be known as Sections 5264 and 5265, pertaining to the same subject matter, and declaring the same to be a revision bill.”

Senate Bill No. 39 repeals Sections 5264 and 5265 of the statute regulating trucks and buses and enacts two new sections in lieu thereof relating to the same subject matter to be known as Sections 5264 and 5265.

One of the objectives of Senate Bill No. 39 is to exempt from taxation and regulation the large companies trans-

porting, by motor vehicle, passengers for hire within incorporated cities and the suburban territories thereof, and leave subject to regulation and taxation, under the Truck and Bus Laws, smaller concerns carrying passengers within corporate limits of cities and towns and the adjacent suburban territory.

The accomplishment of this discrimination against the smaller companies and individuals, transporting passengers by motor vehicles, is sought by limiting the exemption from regulation and taxation to those passenger-carrying vehicles which are,

“ . . . used exclusively in the transportation of passengers as a part of the mass transportation system serving any municipal corporation or a municipal corporation and the suburban territory adjacent thereto, where the major part of said system is within the limits of such municipal corporation.”

The practical effect of this provision of Senate Bill No. 39 would be to destroy, in the transportation of passengers by motor vehicles in cities and towns and in suburban territory thereof, the fundamental principle of Democratic Government of equal rights to all and special privileges to none. It is the duty of the State to stand guard and use its power to maintain for all equal rights and privileges under the law.

It is my opinion, the time has come for a change in the Bus and Truck Laws of the State. The people have been insisting, for two years, that a more adequate share of the funds, necessary to maintain and keep in repair and extend our highway system in which the People have now invested Three Hundred and Fifty Million Dollars, be paid by Trucks and Buses. The Constitution requires that the fees and charges made and collected for use of the State highways be used for State highway purposes. It is a well-known fact, our State Highway Department needs badly funds to perform its normal functions.

I feel compelled to veto Senate Bill No. 39, because it relates solely to the subject of exempting commercial motor vehicles from proper safety regulations and from the payment of equitable fees for the use, maintenance and repair of the State highways and City streets. If it is the will of the Legislature that the subject matter of this Bill shall become the law, it should be included in a comprehensive Truck and Bus Bill which provides for a much needed general revision of the bus and truck law. I recommend that steps recently taken by the Senate Committee on Roads and Highways to prepare and enact such legislation be vigorously pursued. Reported opposition to wholesome, moderate legislation intended to reach impartially all classes of commercial vehicles using the public highways should be resisted with determination.

Attention is directed to the dire need of the State and municipal governments of Missouri for funds for the construction, maintenance and repair of State Highways and City Streets. Great damage is being done to them by heavily loaded commercial vehicles. It is my opinion that the People of Missouri expect that a substantial portion of the needed funds shall be paid by those classes of commercial vehicles which are not now paying their proper share of fees for the use of State highways and City streets.

A constitutional amendment, adopted by the People in the year 1928, prohibited the General Assembly for a period of ten years from levying any increase in motor vehicle taxes against any class of motor vehicles except motor vehicles used by common carriers. That limitation has now expired. In the meantime, great fleets of commercial trucks known as "common carriers," "contract carriers" and "private carriers" have entered upon the public highways and city streets to conduct an immense transportation business. "Common Carriers" only, since the year of 1931, have been paying a substantial schedule of fees under the Bus and Truck Act. However, there are not more than five thousand vehicles of the "common carrier" motor vehicles, directly or indirectly, not less than fifty thousand commercial

motor trucks, operated by contract carriers and private carriers which are paying no fees whatsoever under the Bus and Truck Act for the use, maintenance and repair of the State highways and City streets. I do not believe that the owners of private passenger automobiles and the taxpayers wish to furnish State highways and City streets at great costs for the benefit of heavy commercial trucks without adequate payment by them for such benefit.

If a general Bus and Truck Bill, embodying the features of Senate Bill No. 39 so altered as to conform to my views as herein expressed and including the recommendations I make herein for changes in the Bus and Truck Law, is enacted I would be inclined to view same favorably.

Legislation, therefore, which does not tend to meet the entire problem of raising adequate funds from those who use the State highways and City streets as their place of business, should be disapproved.

I hereby veto Senate Bill No. 39.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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## TO THE GENERAL ASSEMBLY

JUNE 13, 1939

*From the Journal of the House of Representatives, pp. 1633-1634*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 13, 1939.

*To the Members of the 60th General Assembly, Jefferson City,  
Missouri.*

I return to you House Bill No. 255, entitled:

## AN ACT

“To repeal Section 35 of an act of the 57th General Assembly, Extra Session, 1933-34, relating to the regula-

tion, control, manufacture, brewing, sale, possession, transportation and distribution of intoxicating liquors, and certificates and labels to be furnished by the State Treasurer to the supervisor, approved January 13, 1934, and appearing in the Laws of Missouri, Extra Session, 1933-34, page 90, and to enact in lieu thereof a new section relating to the same subject, and providing for credit for stamps on liquor sent out of the state, rebottled or destroyed before sale for consumption, and providing for sale of tax stamps, to be known as Section 35; and declaring by express statement that this act be considered a revision bill."

House Bill No. 255 contains the following provision:

"Where the containers of spirituous liquors outside of this state are stamped, as provided in Section 21-A-1 of this act, for shipment into and sale in this state but are not shipped or transported into this state, and where such liquors are shipped into this state and then shipped out of this state by common carrier for return to the original seller, or where such goods are destroyed as unfit for consumption, or rebottled, the supervisor shall give the owner of such liquor new stamps in the amount and denomination of the stamps affixed to the containers of such liquors, provided that the stamps affixed to the containers of such liquors are cancelled and destroyed, in accordance with rules and regulations to be adopted by the supervisor, and the liquors, if in this state, are shipped out of this state by common carrier, consigned to the original seller, or destroyed or rebottled . . . ."

I do not believe, this provision of House Bill No. 255 will prove satisfactory in practical operation. It is my opinion that additional provisions should be made in the bill to safeguard the transactions relating to issuance of new stamps in lieu of those sold and affixed to containers of liquors; and also, the bill should be more specific as to the contents of

the affidavit which the act requires the supervisor to file with the State Treasurer to secure credit for stamps so replaced.

For the reasons set forth herein, I veto House Bill No. 255.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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VETO RECORDED WITH THE SECRETARY  
OF STATE

JULY 5, 1939

*From the Journal of the House of Representatives, p. 1860*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 5, 1939.

*Honorable Dwight H. Brown, Secretary of the State of Missouri, Jefferson City, Missouri.*

HOUSE BILL NO. 52 REVISION BILL.

Dear Sir:

I hand you herewith House Bill No. 52, entitled:

“An Act to repeal Section 1 of an Act passed by the Fifty-ninth General Assembly approved June 18, 1937, and found at page 509 of the Laws of Missouri, 1937, being an Act to promote the objects of share accounts in State and Federal Building and Loan Associations and to enact in lieu thereof a new section pertaining to the same subject and to be known as Section 1; determining that this Act is a Revision Act.”

House Bill No. 52 repeals Section 1 of an Act passed by the Fifty-ninth General Assembly and found at page 509, Laws of Missouri, 1937, same being an Act to promote investment of funds in State and Federal Building and Loan

Associations and to enact a new section in lieu thereof relating to the same subject matter and to be known as Section 1.

The object of House Bill No. 52 is to extend the list of corporations and persons holding funds as fiduciaries or having funds of their own who may invest same in any State and Federal Building and Loan Association which is a member of the Federal Building and Loan Association which is a member of the Federal Home Loan Bank and insured by the Federal Savings and Loan Insurance Corporation, and there is added to such list of eligible investors in said building and loan associations, guardians, curators, administrators and executors, credit unions, business and manufacturing companies, and associations or companies for benevolent or religious or scientific or fraternal-beneficial or educational purposes.

There is another Bill which the General Assembly has enacted and which I have approved relating to building and loan associations, and their powers and duties; and, in legal effect, substantially the same provisions as are contained in said Section 1 of the 1937 Act are inserted in Section 1, as same appears in House Bill No. 52.

To place the two Acts upon the Statute Books of the State might cause some confusion; and, as I am satisfied that House Bill No. 166 covers the same ground as House Bill No. 52, I hereby veto House Bill No. 52.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

**VETO RECORDED WITH THE SECRETARY  
OF STATE**

**JULY 5, 1939**

*From the Journal of the House of Representatives, p. 1861*

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**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

**July 5, 1939.**

*Honorable Dwight H. Brown, Secretary of the State of Missouri,  
Jefferson City, Missouri.*

Dear Sir:

I hand you herewith, House Bill No. 133, entitled:

“An Act to repeal Section 2029, Chapter 9, Article 3, Revised Statutes of Missouri, 1929, relating to courts of record, and to enact in lieu thereof a new section relating to the same subject, and declaration that this bill be considered a revision bill.”

Under the existing statute, for more than forty years, two terms of Circuit Court have been held in Eldorado Springs in Cedar County and two terms held in Stockton, the county seat.

The people of Eldorado Springs erected a court house at their own expense costing \$25,000.00, and furnished it free, to the county for the use of the Circuit Court, from the time it was built forty years ago, up to the present time.

House Bill No. 133 repeals Section 2029, Revised Statutes of Missouri of 1929, which fixed the terms and place of holding court in Cedar County, and enacts a new section to be known as 2029, and House Bill No. 133 provides as follows as to Circuit Court in Cedar County:

“in Cedar County on the fourth Monday in March, the first Monday in June and the second Monday in November at Stockton;”.

This abolishes the terms of court in Cedar County which have been held at Stockton.



I am not aware of any sound reasoning for abolishing the two terms of court now held annually at Eldorado Springs in Cedar County, and for this reason I hereby veto House Bill No. 133.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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**VETO RECORDED WITH THE SECRETARY  
OF STATE**

JULY 5, 1939

*From the Journal of the House of Representatives, p. 1862*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 5, 1939.

*Honorable Dwight H. Brown, Secretary of the State of Missouri,  
Jefferson City, Missouri.*

Dear Sir:

I hand you herewith House Bill No. 134, entitled: "An Act to repeal an act of the 38th General Assembly found at pages 144 to 147 inclusive, laws of 1895, entitled, "An Act Providing for the holding of two terms of the Cedar County Circuit Court at the City of Eldorado Springs, in said county, and prescribing the jurisdiction thereof, and declaration that this bill be considered a revision bill."

In an Act of the 38th General Assembly, Laws of 1895, Pages 144 to 147 inclusive, it is provided that two terms of the Cedar County Circuit Court should be held in the city of Eldorado Springs of said county, and the jurisdiction of said court is prescribed.

House Bill No. 134 repeals the Act of 1895 providing for holding two terms of Circuit Court at Eldorado Springs in Cedar County, and directs all suits now pending in the Circuit Court at Eldorado Springs be transferred to the Cir-

cuit Court at Stockton, together with all records and files of said Court.

The citizens of Eldorado Springs raised \$25,000.00 and erected a court house in Eldorado Springs which has been used by the county for more than forty years.

There are quite a few places in this state in which courts are held in places other than the county seat.

I am of the opinion that there exists no sound reason for abolition of the two terms of Circuit Court at Eldorado Springs and for transferring the records thereof to Stockton, and therefore I hereby veto House Bill No. 134.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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**VETO RECORDED WITH THE SECRETARY  
OF STATE**

JULY 8, 1939

*From the Journal of the House of Representatives, pp. 1865-1868*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 8, 1939.

*Honorable Dwight H. Brown, Secretary of State of the State of Missouri, Jefferson City, Missouri.*

Dir Sir:

Under the provisions of Section 13, Article 5, of the Constitution of Missouri, I herewith transmit to you House Bill No. 583, entitled:

“An Act appropriating money to pay the salaries, wages and per diem, and other expenses of the Civil Officers and Employees of the State, as follows: Executive Department, Secretary of State, Attorney General, State Auditor, State Treasurer, Superintendent of Public Schools, Supreme Court, Kansas City Court of Appeals, St. Louis Court of

Appeals, Springfield Court of Appeals, Circuit Court Judges, Common Pleas Court Judges, and Special Judges, Adjutant General, State Service Officer, Commission for the Permanent Seat of Government, Public Service Commission, State Tax Commission, Department of Budget, and designating the civil list, and placing a limitation upon the purchase price of passenger automobiles, except certain cases, with an emergency clause."

and append to the same at the time of signing the same, the following statement of items and portions of items objected to by me, which items and portions of items are returned without my approval for the reasons hereinafter stated.

Approved this 8th day of July, 1939, as to all items and portions of items thereof, except the following items and portions of items, which are not approved, to-wit:

Section 3. "Secretary of State." Subdivision A. "For Personal Service." \$12,000.00 of the appropriation of \$26,600.00 for "Salaries of Other Clerks" is vetoed and disallowed, leaving \$14,600.00 thereof approved; \$3,000.00 of the appropriation of \$32,810.00 for "Salaries of one Publication Clerk, one Assistant Publication Clerk, one Blue Book Clerk, one Blue Book Clerk-Stenographer, two Paper Stock Room Clerks, Truckman and Janitor and other helpers" is vetoed and disallowed, leaving \$29,810.00 thereof approved, and making the total amount appropriated and approved out of the General Revenue fund for subdivision A "For Personal Service" (First part of Section 3), \$100,170.00. Subdivision A (Second part of Section 3) "Personal Service: To pay the salaries of the Securities Clerk, Bond Clerk, and Stenographer-file Clerks and Janitor," \$10,000.00 of the appropriation of \$18,840.00 is vetoed and disallowed, leaving \$8,840.00 thereof approved; "For the employment and payment of such Inspectors, Investigators, Auditors and Accountants as the Secretary of State may deem necessary to enforce the provisions of Chapter 40, R. S. 1929 and to pay them salaries, wages and per diem as may be agreed

upon between commissioner and the person employed." \$10,000.00 of the appropriation of \$16,800.00 is vetoed and disallowed, leaving \$6,800.00 thereof approved, making the total for Personal Service for the Securities Department as appropriated and approved, \$20,440.00, and the Grand Total for the Securities Department, \$37,440.00. The amounts herein vetoed and disallowed make the total appropriation as approved from the General Revenue fund to the Secretary of State, \$159,110.00.

Section 5. "Motor vehicle registration department." Subdivision A "For Personal Service," \$70,000.00 of the appropriation of \$474,500.00 is vetoed and disallowed, leaving \$404,500.00 thereof approved; Subdivision B. "For Additions," \$15,000.00 of the appropriation of \$25,500.00 is vetoed and disallowed, leaving \$10,500.00 thereof approved; Subdivision D. "Operation," \$15,000.00 of the appropriation of \$318,300.00 for "General Expense," etc., is vetoed and disallowed, leaving \$303,300.00 thereof approved, making the total for "Operation" appropriated and approved, \$551,800.00, and the total for the motor vehicle registration department appropriated and approved from the State Highway Department Fund, \$974,800.00.

Section 7. "Secretary of State—for Administering Drivers' License Law." Subdivision A "Personal Service," \$25,000.00 of the appropriation of \$152,000.00 is vetoed and disallowed, leaving \$127,000.00 thereof approved. Subdivision C "Repairs and Replacements," \$5,000.00 of the appropriation of \$15,000.00 is vetoed and disallowed, leaving \$10,000.00 thereof approved; Subdivision D "Operation," \$10,000.00 of the appropriation of \$80,000.00 is vetoed and disallowed, leaving \$70,000.00 thereof approved, and making a total of \$212,000.00 appropriated and approved from the State Highway Department Fund for the Drivers' License Department.

Section 16. "State Auditor" Subdivision A "Personal Service" \$30,000.00 of the appropriation of \$378,200.00

is vetoed and disallowed, leaving \$348,200.00 thereof approved; Subdivision D "Operation," \$20,000.00 of the appropriation of \$188,000.00 is vetoed and disallowed, leaving \$168,000.00 thereof approved, and making the total appropriated and approved from the General Revenue fund to the State Auditor under Section 16, \$516,200.00.

Section 17. "State Auditor—Administering Sales Tax Law," Subdivision A "Personal Service," \$100,000.00 of the appropriation of \$800,000.00 is vetoed and disallowed, leaving \$700,000.00 thereof approved; Subdivision D "Operation," \$65,000.00 of the appropriation of \$325,000.00 is vetoed and disallowed, leaving \$260,000.00 thereof approved, and making the total appropriated and approved from the General Revenue fund to the State Auditor for administering the Sales Tax Law under Section 17, \$960,000.00.

Section 18. "State Auditor—Expenses in Auditing Highway Department Accounts," Subdivision A "Personal Service," \$10,000.00 of the appropriation of \$60,000.00 is vetoed and disallowed, leaving \$50,000.00 thereof approved; Subdivision D "Operation," \$5,000.00 of the appropriation of \$15,000.00 is vetoed and disallowed, leaving \$10,000.00 thereof, approved, and making the total appropriated and approved from the State Highway Department Fund to the State Auditor, \$60,000.00.

Section 19. "Treasury Department." Subdivision A "Personal Service," \$35,000.00 of the appropriation of \$153,640.00 is vetoed and disallowed, leaving a total of \$118,640.00 for that item as approved; Subdivision D "Operation," \$8,000.00 of the appropriation of \$52,500.00 is vetoed and disallowed, leaving \$44,500.00 thereof approved, and making a total of \$169,140.00 appropriated and approved from the General Revenue Fund to the Treasury Department under Section 19.

Section 21. "Treasury Department—for handling road bonds." Subdivision A "For Personal Service" \$15,-

000.00 of the appropriation of \$60,000.00 is vetoed and disallowed, leaving \$45,000.00 thereof approved; Subdivision D "Operation," \$10,000.00 of the appropriation of \$33,300.00 is vetoed and disallowed, leaving \$23,300.00 thereof approved, and making a total of \$68,300.00 appropriated and approved from the State Highway Department Fund to the Treasury Department.

Section 22. "Treasury Department—for stamps for beer inspection," \$10,000.00 of the appropriation of \$45,000.00 is vetoed and disallowed, leaving \$35,000.00 thereof approved.

Section 23. "Treasury Department—for administration of intoxicating liquor laws," Subdivision A "Personal Service," \$10,000.00 of the appropriation of \$15,000.00 is vetoed and disallowed, leaving \$5,000.00 thereof approved; "Stamps for liquor inspection," \$30,000.00 of the appropriation of \$125,000.00 is vetoed and disallowed, leaving \$95,000.00 thereof approved, and making a total of \$100,000.00 appropriated and approved from the General Revenue fund to the Treasury Department for administration of intoxicating liquor laws.

Section 32. "High School Building Aid," \$20,000.00 of the appropriation of \$80,000.00 is vetoed and disallowed, leaving \$60,000.00 thereof approved.

Section 34. "Teacher-Training Courses," \$25,000.00 of the appropriation of \$325,000.00 is voted and disallowed, leaving \$300,000.00 thereof approved.

My reason for vetoing and disallowing the foregoing amounts and portions of amounts as set forth is that, in my opinion, there will be insufficient revenue to meet all appropriations.

Very truly yours,  
LLOYD C. STARK,  
Governor.

*VETO RECORDED WITH THE SECRETARY  
OF STATE*

JULY 8, 1939

*From the Journal of the House of Representatives, pp. 1868-1869*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 8, 1939.

*Honorable Dwight H. Brown, Secretary of State of the State of  
Missouri, Jefferson City, Missouri.*

Dear Sir:

Under the provisions of Section 13, Article 5, of the Constitution of Missouri, I herewith transmit to you House Bill No. 586, entitled:

"An Act to appropriate money to pay the salaries, wages and per diem of the officers and employees, the repair and replacement of property, and the operative expenses, and for other purposes of the State Prison Board, the Missouri Penitentiary, Missouri Training School for Boys, the Missouri Intermediate Reformatory, the Industrial Home for Girls and the Industrial Home for Negro Girls, expenses penal institutions and criminal costs, for the years 1939 and 1940, and placing a limitation upon the purchase price of passenger automobiles, with an emergency clause."

and append to the same at the time of signing the same, the following statement of the item objected to by me, which item is returned without my approval for the reason hereinafter stated.

Approved this 8th day of July, 1939, as to all items and portions of items thereof, except the following portion of a [an] item, which is not approved, to-wit:

Section 1. "Money for State penal institutions," "For the Missouri Penitentiary, chargeable to the Missouri Penitentiary Revolving Fund," Subdivision D. "Opera-

tion," \$500,000.00 of the appropriation of \$3,165,000.00 is vetoed and disallowed, leaving \$2,665,000.00 thereof approved, and making a total appropriation of \$3,000,000.00 approved out of the Penitentiary "Revolving Fund," for the reason that no more funds will be required by the State Penal Board in carrying out the provisions of the law.

Very truly yours,  
LLOYD C. STARK,  
Governor.

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VETO RECORDED WITH THE SECRETARY  
OF STATE

JULY 8, 1939

*From the Journal of the House of Representatives, pp. 1870-1872*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 8, 1939.

*Honorable Dwight H. Brown, Secretary of State of the State of  
Missouri, Jefferson City, Missouri.*

Dear Sir:

Under the provisions of Section 13, Article 5, of the Constitution of Missouri, I herewith transmit to you House Bill No. 716 entitled:

"An Act to appropriate money for the support of the State Government, the payment of certain contingent and incidental expenses of the several departments, bureaus, boards and commissions of the State Government for the years 1939 and 1940; and to appropriate money for the payment of various claims for relief; for the several departments of the State Government, the several boards, bureaus and commissions and State Officers, and persons, firms and corporations for the payment of which the State may be liable; for the payment of deficiency claims for the years 1937 and 1938 and prior years; and appropriating funds for other



purposes for the years 1939 and 1940 and prior years, and placing a limitation upon the purchase price of passenger automobiles with an emergency clause,"

and append to the same at the time of signing the same the following statement of items and portions of items objected to by me, which items and portions of items are returned without my approval for the reasons hereinafter stated.

Approved this 8th day of July, 1939, as to all items and portions of items thereof, except the following items and portions of items, which are not approved, to-wit:

Section 91. "Relief of P. H. McCrory and Henry Hanssen." The full amount of \$370.00 appropriated under this section is vetoed and disallowed for the reason that there is no legal liability on the part of the State.

Section 94. "Relief of Standard Milling Co." The full amount of \$220.80 appropriated under this section is vetoed and disallowed for the reason that there is no legal liability on the part of the State.

Section 99a. "Relief of Marie Eaton of St. Louis." The full amount of \$10,000.00 appropriated under this section is vetoed and disallowed for the reason that there is no legal liability on the part of the State.

Section 118. "Refund for Liquor and Beer Licenses." The full amount of \$6,013.72 appropriated under this section is vetoed and disallowed for the reason that there is no legal liability on the part of the State.

Section 124a. The full amount of \$5,000.00 appropriated from the General Revenue Fund for the Ozark Empire District Fair of Springfield, Missouri is vetoed and disallowed for the reason that, in my opinion, there will be insufficient revenue to meet all appropriations.

Section 124b. The full amount of \$4,691.32 appropriated under this section from the General Revenue Fund for the Morely Engineering and Contracting Company,

1643 Bellview Avenue, Kansas City, Missouri, is vetoed and disallowed for the reason that there is no legal liability on the part of the State.

Section 127. The full amount of \$1,579.92 appropriated from the General Revenue Fund under this section for the relief of the City of St. Louis is vetoed and disallowed for the reason that there is no legal liability on the part of the State.

Section 134. The full amount of \$1,392.33 for the relief of Christian County appropriated under this section from the General Revenue Fund is vetoed and disallowed for the reason that there is no legal liability on the part of the State.

Section 135. "Relief of Joseph A. Lennon."—\$2,500.00 of the appropriation of \$7,500.00 under this section is vetoed and disallowed, leaving \$5,000.00 thereof appropriated and approved out of the General Revenue Fund under this section, my reason for vetoing and disallowing a portion of this item being that, in my opinion, the amount appropriated exceeded by the amount disallowed the funds necessary to meet the purposes of this section.

Very truly yours,  
LLOYD C. STARK,  
Governor.

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## TO THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1941

*From the Journal of the House of Representatives, pp. 61-62*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

January 15, 1941.

*To the House of Representatives of the 61st General Assembly:*

I have the honor to return to you herewith, with my veto and without my approval, Joint Resolution No. 3, adopted by the Joint Assembly on the 10th day of January, 1941.

Section 12 of Article V. of the Constitution is as follows:

“The Governor shall consider all Bills and Joint Resolutions, which, having been passed by both Houses of the General Assembly, shall be presented to him. He shall, within ten days after the same shall have been presented to him, return to the House in which they respectively originated, all such Bills and Joint Resolutions, with his approval indorsed thereon, or accompanied by his objections: Provided, That if the General Assembly shall finally adjourn within ten days after such presentation, the Governor may, within thirty days thereafter, return such Bills and resolutions to the office of the Secretary of State, with his approval or reasons for disapproval.”

Joint Resolution No. 3 contemplates the expenditure of substantial sums of public funds, which expenditures, under the Constitution, are subject to my approval.

I have vetoed this Resolution and disapprove any payments to be made thereunder for the following reasons:

FIRST: The Resolution as framed is so written as to permit the Legislative Committee in its discretion to open part or all of the ballot boxes and to conduct a partial or complete investigation.

It is my opinion that in this contest ALL of the ballot boxes should be opened up and all of the ballots counted.

The Resolution further provides that the recounting and recanvassing shall be done in the county where the votes were cast or at any other place in the State which, in the opinion of the Committee, would be convenient.

It is my judgment that this Committee should not be vested with any such authority and that the counting of the ballots should be had in the county where they were cast and under the supervision of local representatives of both political parties.

**SECOND:** I cannot approve a resolution which provides for a partisan set-up in this contest. The Legislative Committee of the General Assembly should be bi-partisan and have an equal representation of members from both political parties.

It is to be recalled that out of nearly two million votes both candidates received substantially fifty per cent of the vote. Therefore, any arrangement looking toward a recount of the ballots under the contest should be such an arrangement that both political parties would have fair and equal representation.

**THIRD:** I disapprove of the final paragraph in said Joint Resolution No. 3 which provides that no declaration of election be made by the Speaker of the House of Representatives and no certificate of election be issued.

On the prima facie returns which have been published in this State for more than two months and printed in the Roster of State, District and County Officers of the State of Missouri 1941-1942, and compiled by Dwight H. Brown, Secretary of State, it would appear that one of the candidates received a majority. Leaving out of account any discussion of the constitutional problem, which is now out of my hands, I am of the opinion that the principles of good government and fair play dictate that the candidate receiving the highest number of votes on the returns published by the Secretary of State should be seated and the contest proceed in a legal and proper manner.

**FOURTH:** I disapprove of Joint Resolution No. 3 for the reason that the method therein provided for filling a vacancy on the Legislative Committee is contrary to the specific provisions of the Statute in the case of contest committees on the Governorship.

Respectfully submitted,

LLOYD C. STARK,

Governor.

**TO THE GENERAL ASSEMBLY****FEBRUARY 12, 1941***From the Journal of the House of Representatives, pp. 263-265***EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,****February 12, 1941.**

*To the Members of the 61st General Assembly, Jefferson City, Missouri.*

I have the honor to hand you herewith, Senate Committee Substitute for House Bill No. 9, with protest in writing attached thereto, which Bill is entitled:

“AN ACT Appropriating money to pay the salaries, wages, and per diem, and other expenses of the Civil Officers and Employees of the State, as follows: Executive Department, Secretary of State, Attorney General, State Auditor, State Treasurer, Superintendent of Public Schools, Supreme Court, Kansas City Court of Appeals, St. Louis Court of Appeals, Springfield Court of Appeals, Circuit Court Judges, Common Pleas Court Judges, and Special Judges, Adjutant General, State Service Officer, Commission for the Permanent Seat of Government, Public Service Commission, State Tax Commission, Department of Budget, and designating the civil list, and placing a limitation upon the purchase price of passenger automobiles, except certain cases, for the period beginning January 1, 1941 and ending June 30, 1941.”

and append to the same at the time of signing the same, the following statement of items and portions of items objected to by me, which items and portions of items are returned without my approval for the reasons hereinafter stated.

Approved this 12 day of February, 1941, as to all items and portions of items thereof, except the following items and portions of items, which are not approved, to-wit:

Section 3. "Secretary of State." "For Personal Service." \$3,000.00 of the appropriation of \$6,650.00 for "Salaries of Other Clerks" is vetoed and disallowed, leaving \$3,650.00 thereof approved; \$747.50 of the appropriation of \$8,200.00 for "Salaries of one Publication Clerk, one Assistant Publication Clerk, one Blue Book Clerk, one Blue Book Clerk-Stenographer two Paper Stock Room Clerks, Truckman and Janitor and other helpers" is vetoed and disallowed, leaving \$7,452.50 thereof approved, and making the total amount appropriated and approved out of the General Revenue Fund for Personal Service (first part of Section 3), \$25,042.50. Second part of Section 3, "Personal Service: To pay the salaries of the Securities Clerk, Bond Clerk, and Stenographer-file Clerks and Janitor, "\$2,500.00 of the appropriation of \$4,710.00 is vetoed and disallowed, leaving \$2,210.00 thereof approved; "For the employment and payment of such Inspectors, Investigators, Auditors and Accountants, as the Secretary of State may deem necessary to enforce the provisions of Chapter 41, R. S. 1939 and to pay them salaries, wages and per diem as may be agreed upon between commissioner and the person employed," \$2,500.00 of the appropriation of \$4,200.00 is vetoed and disallowed, leaving \$1,700.00 thereof approved, making the total for Personal Service for the Securities Department as appropriated and approved, \$5,110.00, and the grand total for the Securities Department, \$9,360.00. The amounts herein vetoed and disallowed make the total appropriation as approved from the General Revenue Fund to the Secretary of State, \$39,277.50.

Section 7. "Secretary of State—for Administering Drivers' License Law." "Personal Service," \$6,250.00 of the appropriation of \$38,000.00 is vetoed and disallowed, leaving \$31,750.00 thereof approved; "Operation," \$2,500.00 of the appropriation of \$20,000.00 is vetoed and disallowed, leaving \$17,500.00 thereof approved, and making a total of \$49,250.00 appropriated and approved from the State Highway Department Fund for the Drivers' License Department.

Section 15. "State Auditor." "Personal Service," \$7,500.00 of the appropriation of \$93,050.00 is vetoed and disallowed, leaving \$85,550.00 thereof approved, and making the total amount appropriated and approved for Personal Service, \$87,050.00: "Operation," \$5,000.00 of the appropriation of \$47,000.00 is vetoed and disallowed, leaving \$42,000.00 thereof approved, and making the total appropriated and approved from the General Revenue Fund to the State Auditor under Section 15, \$129,050.00.

Section 16. "State Auditor—Administering Sales Tax Law." "Personal Service," \$25,000.00 of the appropriation of \$200,000.00 is vetoed and disallowed, leaving \$175,000.00 thereof approved; "Operation," \$16,250.00 of the appropriation of \$81,250.00 is vetoed and disallowed, leaving \$65,000.00 thereof approved, and making the total appropriated and approved from the General Revenue Fund to the State Auditor for administering the Sales Tax Law under Section 16, \$240,000.00.

Section 17. "State Auditor—Expenses in Auditing Highway Department Accounts." "Personal Service," \$2,500.00 of the appropriation of \$15,000.00 is vetoed and disallowed, leaving \$12,500.00 thereof approved; "Operation," \$1,250.00 of the appropriation of \$3,750.00 is vetoed and disallowed; leaving \$2,500.00 thereof approved, and making the total appropriated and approved from the State Highway Department Fund to the State Auditor, \$15,000.00.

Section 18. "Treasury Department." "Personal Service," \$3,625.00 of the appropriation of \$38,410.00 is vetoed and disallowed, leaving \$34,785.00 thereof approved; "Operation," \$2,000.00 of the appropriation of \$13,125.00 is vetoed and disallowed, leaving \$11,125.00 thereof approved, and making the total appropriated and approved, from the General Revenue Fund to the Treasury Department under Section 18, \$47,410.00.

Section 20. "Treasury Department—For handling road bonds." "For Personal Service," \$1,750.00 of the

appropriation of \$15,000.00 is vetoed and disallowed, leaving \$13,250.00 thereof approved; "For Operation," \$2,500.00 of the appropriation of \$8,325.00 is vetoed and disallowed, leaving \$5,825.00 thereof approved, and making the total appropriated and approved from the State Highway Department Fund to the Treasury Department, \$19,075.00.

Section 21. "Treasury Department—for stamps for beer inspection," \$2,500.00 of the appropriation of \$11,250.00 is vetoed and disallowed, leaving \$8,750.00 thereof approved.

Section 22. "Treasury Department—for administration of intoxicating liquor laws." "Personal Service," \$1,250.00 of the appropriation of \$3,750.00 is vetoed and disallowed, leaving \$2,500.00 thereof approved; "Stamps for liquor inspection," \$7,500.00 of the appropriation of \$31,250.00 is vetoed and disallowed, leaving \$23,750.00 thereof approved, and making the total appropriated and approved from the General Revenue Fund to the Treasury Department for administration of intoxicating liquor laws, \$26,250.00.

My reason for vetoing and disallowing the foregoing amounts and portions of amounts as set forth is that, in my opinion, there will be insufficient revenue to meet all appropriations.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.



## SPECIAL MESSAGES

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TO THE SENATE

JANUARY 12, 1937

*From the Journal of the Senate, p. 23*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

January 12, 1937.

*To the Senate of the 59th General Assembly in regular session:*

I have the honor to submit herewith for your advice and consent, the following appointment to office:

Lewis M. Means, Fayette, Missouri, as Adjutant General of the State of Missouri, for a term ending at the pleasure of the Governor, vice Claude C. Earp, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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## TO THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1937

*From the Journal of the House of Representatives, pp. 128-129*

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EXECUTIVE OFFICE, STATE OF MISSOURI, CITY OF JEFFERSON,

January 25th, 1937.

*To the House of Representatives of the 59th General Assembly:<sup>1</sup>*

I have the honor to submit the following information concerning flood conditions in Southeast Missouri:

Immediately upon receipt of information concerning the seriousness of the flood situation in Southeast Missouri,

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<sup>1</sup>This same message was addressed to the Senate and was read in the Senate on January 25. (*Journal of the Senate, 1937, pp. 66-67.*)—Ed.

I ordered Adjutant General Lewis M. Means to fly to the threatened area in a National Guard plane. Since his arrival in Sikeston, shortly after noon, Saturday, January 24th, I have been in close touch with General Means and also with the White House and the United States War Department at Washington, and am pleased to report that the flood situation in Missouri is well in hand. No lives have been lost in Missouri, according to General Means; the property loss is considerable—just how great it is impossible to estimate at this time—but our first consideration has been to save and protect human lives and to reduce the suffering among the refugees from the flooded district as much as possible, while relieving their most urgent needs and providing medical attention where necessary.

Troops from the Missouri National Guard were ordered out when the first flood warnings came from the Black and St. Francis river basins, and other companies have been called out as the rising waters of the Ohio River poured into the Mississippi, flooding an area 22 by 9 miles, or approximately 200 square miles, in Mississippi and New Madrid counties.

Our reports show that the troops of the Missouri National Guard, cooperating with the State Highway Patrol, and the United States Army Officers assigned to the work, have rendered very effective service in the flooded area.

At my urgent request, following telephone conferences Sunday afternoon and Sunday night with officials of the War Department and the White House, the levee near Cairo was not blown Sunday night, as contemplated by the U.S. Engineers, at that time. Our reports showed 100 to 150 persons were still in the spillway area, and had the fuse plugs in the levee been blown during the night, many of these people would undoubtedly have been drowned. By daylight Monday (today) practically all persons except a few with boats had been removed from the threatened area, and as the outer levee had broken naturally in several places south of the Cairo bridge, the situation had relieved itself to a great extent.

General Means reported shortly after ten o'clock this morning that the city of New Madrid, which is directly in the path of the flood coming down from the Ohio River, is being evacuated in an orderly manner, the refugees being removed to Sikeston and other points by way of the highways. General Means has established headquarters for relief work at Sikeston and is in general command of the Missouri National Guard in that area. Col. Casteel is on his way to Sikeston to take personal command of the State Highway Patrol. Dr. Harry F. Parker, at my request, is on his way to the flooded area to look after all matters connected with public health, and to cooperate with the U.S. Public Health Service and the Red Cross.

At my request, General Ford, in command of the 7th Corps Area of the United States Army, with headquarters at Omaha, has ordered shipped from Ft. Leavenworth 6,000 army blankets, 1,500 cots, 600 mattresses, 1,500 comforters, and 50 Sibley tent stoves. We have also sent to the flooded district in Southeast Missouri a large amount of army stores and equipment suitable for relief work and same is being used to good advantage. Three aeroplanes of the Missouri National Guard, equipped with two-way Radio, and a mobile radio outfit of the 110th Engineers are being used for the purpose of communication with National Guard and Patrol Cars and to locate refugees and flood sufferers at remote points.

The American Red Cross is giving prompt and effective cooperation by furnishing doctors, nurses and medical supplies. I have issued an appeal for funds to be contributed through the Red Cross and used for relief of flood sufferers in Missouri and recommend that the General Assembly take appropriate action in view of the disaster, which, through no fault of their own, has come to thousands of our fellow citizens.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

JANUARY 26, 1937

*From the Journal of the Senate, p. 80*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

January 26, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

Harry F. Parker, Warrensburg, Missouri, as Commissioner of Health, for a term of four years beginning on the twenty-sixth day of January, 1937, and until his successor is duly appointed and qualified, vice H. S. Gove, resigned.

Respectfully submitted,

(Signed) LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

JANUARY 27, 1937

*From the Journal of the Senate, p. 88*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

January 27, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

Robert B. Brooks, St. Louis, Missouri, as member of the State Highway Commission for a term ending December 1st, 1937, and until his successor is duly appointed and qualified, vice Arthur T. Nelson, deceased.

Respectfully submitted,

LLOYD C. STARK,  
Governor.

*TO THE SENATE*

FEBRUARY 8, 1937

*From the Journal of the Senate, p. 128*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,  
February 8, 1937.

*To the Senate of the 59th General Assembly in Regular Session:*<sup>1</sup>

I have the honor to transmit herewith, a copy of the biennial report of the Department of Penal Institutions for the years 1935 and 1936, as filed with me by the Director, as required by Section 8399, R. S. Missouri, 1929.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

FEBRUARY 12, 1937

*From the Journal of the Senate, p. 130*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,  
February 12, 1937.

*To the Senate of the 59th General Assembly in Regular Session:*

I have the honor to submit herewith for your advice and consent the following appointment to office:

Joseph M. Garvey, St. Joseph, Missouri, as a member of the Board of Police Commissioners for the City of St. Joseph, Missouri, for a term ending April 28th, 1938, and until his successor is duly appointed and qualified; vice, Orestes Mitchell, President of the Board, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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<sup>1</sup>This same message was addressed to the House of Representatives on February 8 and was read in the House on February 12, 1937. (*Journal of the House of Representatives*, 1937, p. 206.)—Ed

*TO THE SENATE*

FEBRUARY 12, 1937

*From the Journal of the Senate, pp. 130-131*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 12, 1937.

*To the Senate of the 59th General Assembly in Regular Session:*

I have the honor to submit herewith for your advice and consent the following appointment to office:

Mrs. John D. Taylor, Keytesville, Missouri, as a member of the Board of Trustees of the Confederate Home of Missouri, Higginsville, Missouri, for a term ending December 1st, 1937, and until her successor is duly appointed and qualified; vice, F. Lee Wallace, deceased.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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*TO THE SENATE*

FEBRUARY 12, 1937

*From the Journal of the Senate, p. 131*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 12, 1937.

*To the Senate of the 59th General Assembly in Regular Session:*

I have the honor to submit herewith for your advice and consent the following appointments to office:

William H. Woodward, Democrat, 4953 West Pine Avenue, St. Louis, Missouri, as a member of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending January 15th, 1941, and until his successor is duly appointed and qualified; vice, Charles P. Williams,

term expired. I designate Mr. Woodward as Chairman of the Board.

Claxton E. Allen, Democrat, 4626 Maryland Avenue, St. Louis, Missouri, as a member of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending January 15th, 1941, and until his successor is duly appointed and qualified; vice, Marvin E. Singleton, term expired.

Henry S. Caulfield, Republican, 6253 Washington Avenue, St. Louis, Missouri, as a member of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending January 15th, 1941, and until his successor is duly appointed and qualified; vice, George L. Dyer, term expired.

Adolph C. Wiget, Republican, 3409 Pestalozzi Avenue, St. Louis, Missouri, as a member of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending January 15th, 1941, and until his successor is duly appointed and qualified; vice, Authur J. Freund, term expired. I designate Mr. Wiget as Secretary of the Board.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

### TO THE SENATE

FEBRUARY 18, 1937

*From the Journal of the Senate, p 165*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 18, 1937.

*To the Senate of the 59th General Assembly in Regular Session:*

I have the honor to submit herewith for your advice and consent the following appointment to office:

J. W. McCammon, Springfield, Missouri, as Supervisor of the Bureau of Building & Loan Supervision for a term ending at the pleasure of the Governor; vice, Ira A. McBride, removed.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

FEBRUARY 19, 1937

*From the Journal of the Senate, pp. 164-165*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 19, 1937.

*To the Senate of the 59th General Assembly in Regular Session:*

I have the honor to submit herewith for your advice and consent the following appointments to office:

Albert B. Lambert, 457 North Kingsway, St. Louis, Missouri, as a member of the Board of Police Commissioners for the City of St. Louis, Missouri, for a term ending January 1, 1941; vice, Albert B. Lambert, term expired.

William L. Igoe, 4939 Northland Avenue, St. Louis, Missouri, as a member of the Board of Police Commissioners for the City of St. Louis, Missouri, for a term ending January 1st, 1941; vice, William L. Igoe, term expired.

John J. Nangle, 5092 Westminster Avenue, St. Louis, Missouri, as a member of the Board of Police Commissioners for the City of St. Louis, Missouri, for a term ending January 1st, 1941; vice, George T. Priest, term expired.

Frank B. Coleman, 5042 Washington Avenue, St. Louis, Missouri, as a member of the Board of Police Commissioners for the City of St. Louis, Missouri, for a term ending January 1st, 1938; vice, John J. Phelan, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.



**TO THE HOUSE OF REPRESENTATIVES****FEBRUARY 26, 1937***From the Journal of the House of Representatives, pp. 407-411***EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,****February 26, 1937.****LLOYD C. STARK**  
**GOVERNOR***To the Members of the House of Representatives of the 59th  
General Assembly in Regular Session:*

I am in receipt of a communication from Honorable Cordell Hull, Secretary of State, transmitting a certified copy of a Joint Resolution adopted by the National Congress submitting to the Legislatures of the several states a proposed amendment to the Constitution of the United States, giving to Congress power to limit, regulate, and prohibit the labor of persons under eighteen (18) years of age and suspending state laws on the subject to the extent necessary to give effect to legislation enacted by Congress, and which proposed amendment is commonly known as the Child Labor Amendment.

I have the honor to herewith present to you said Joint Resolution of Congress for your approval or rejection.

Very respectfully,

LLOYD C. STARK,  
Governor.

COPY

March 1, 1937.

Honorable Cordell Hull  
Secretary of State  
Washington, D. C.

Dear Sir:

This is to acknowledge receipt of certified copy of House Joint Resolution 184 of the 68th Congress, First

Session, which you sent at the request of Hon. R. T. Wood, Member of Congress. I have sent the copy to Honorable Lloyd C. Stark, Governor, who will take such action as is necessary to place it before the Missouri General Assembly.

Respectfully,

JRH:IH

SECRETARY OF STATE

COPY

SECRETARY OF STATE

Dwight H. Brown

Jefferson City, Missouri

February 22, 1937.

Honorable Lloyd C. Stark  
Governor of Missouri  
Jefferson City, Missouri

Dear Governor:

This office is in receipt of a communication from the State Department at Washington bearing date of February 18, 1937, communicating a certified copy of the Child Labor Amendment.

The communication reads as follows:

"In reply refer to HA

The Honorable Dwight H. Brown,  
Secretary of State of Missouri,  
Jefferson City, Missouri

Sir:

Pursuant to the request of the Hon. R. T. Wood on February 15, 1937, there is enclosed a certified copy of the joint resolution passed by Congress on June 2, 1924, proposing an amendment to the Constitution

of the United States commonly known as the Child Labor Amendment.

Very truly yours,

For the Secretary of State:

(Signed) WARREN HEART

Assistant Secretary

Enclosure:

Certified Copy,

H. J. Res. 184,

68th Congress,

1st Session."

By an examination of the Journal of the 53rd General Assembly, I find the following record:

"The Honorable, the Governor of Missouri,  
Jefferson City, Mo.

Sir: I have the honor to transmit to you herewith a certified copy of a joint resolution passed on June 2, 1924, by the Senate and House of Representatives, proposing an amendment to the Constitution of the United States which shall give to Congress the power to limit, regulate and prohibit the labor of persons under eighteen years of age.

It is requested that you cause this joint resolution to be submitted to the Legislature of your state for such action as the Legislature may be pleased to take with respect thereto and that a certified statement of the result of such action be communicated to the Secretary of State of the United States, in accordance with section 205, Revised Statutes of the United States.

An acknowledgment of the receipt of the present communication is also requested.

I have the honor to be, sir,

Your obedient servant,

CHAS. E. HUGHES"

“Enclosure :

CERTIFIED COPY OF JOINT RESOLUTION NO.  
184:

Sec. 205. Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

Revised Statutes, 1878.

No. 2718

United States of America

Department of State.

To all to whom these presents shall come, Greeting:

“I certify that the copy hereto attached is a true copy of a resolution of Congress, entitled ‘Joint resolution, proposing an amendment to the Constitution of the United States,’ the original of which is on file in this Department.

In testimony whereof, I, Charles E. Hughes, Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Chief Clerk of the said department, at the City of Washington, this sixth day of June, 1924.

CHARLES E. HUGHES,  
Secretary of State.

By EDWIN C. WILSON,  
Acting Chief Clerk.”

In view of the foregoing records, it is my opinion that the communication should be called to your attention for your disposition.

Respectfully submitted,  
(Signed) DWIGHT H. BROWN  
Secretary of State

DHB:LW  
Inc.

No. 898

UNITED STATES OF AMERICA  
Department of State

To all to whom these presents shall come, Greeting:

I certify that the document hereunto annexed is a true copy from the original in the archives of this department.

Joint Resolution Proposing an amendment to the Constitution of the United States. (H. J. Res. 184.)

In testimony whereof, I, Cordell Hull, Secretary of State, have hereunto caused the Seal of the Department of State to be affixed and my name subscribed by the Chief Clerk of the said Department, at the City of Washington, in the District of Columbia, this sixteenth day of February, 1937.

SEAL

CORDELL HULL

Secretary of State

By

Chief Clerk

(Passed by the House of Representatives on April 26, 1924. Passed by the United States Senate on June 2, 1924.)

Chief Clerk  
Department of State  
June 4, 1924  
Dept. of State  
Division of Publications  
June 4, 1924

J. Res. 184

## SIXTY-EIGHTH CONGRESS OF THE UNITED STATES OF AMERICA:

## At the First Session,

Begun and held at the City of Washington on Monday, the third day of December, one thousand nine hundred and twenty-three.

---

## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

---

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

“Article —.

“SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

“SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.”

T. H. GILLET

Speaker of the House of  
Representatives

ALBERT G. CUMMING

President pro tempore of the  
Senate

*TO THE SENATE*

MARCH 25, 1937

*From the Journal of the Senate, pp. 485-486*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 25, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to return herewith, with my approval endorsed thereon, Senate Bill No. 43, entitled:

"An Act to provide that any corporation for profit organized under the laws of this State shall have the right by vote of a majority of the members of its board of directors to make contributions to or for civic, benevolent and charitable corporations or associations."

It is my understanding that the effect of this bill is to enable new corporations "to make contributions to or for civic, benevolent and charitable corporations or associations," but does not effect existing corporations.

Respectfully,

LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

APRIL 20, 1937

*From the Journal of the Senate, pp. 674-675*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 20, 1937.

*To the Senate of the 59th General Assembly in Regular Session:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

John A. Ferguson, Cape Girardeau, Missouri, as a member of the Public Service Commission for a term ending April 15th, 1943, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

APRIL 20, 1937

*From the Journal of the Senate, p. 675*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 20, 1937.

*To the Senate of the 59th General Assembly in Regular Session:*

I have the honor to submit herewith, for your advice and consent, the following appointments to office:

W. Ed Jameson, Fulton, Missouri, as a member of the Board of Managers for the Eleemosynary Institutions for a term ending June 19, 1940, and until his successor is duly appointed and qualified. I designate Mr. Jameson as President of the Board.

Edwin J. Becker, Kansas City, Missouri, as Supervisor of the Department of Liquor Control for a term ending at the pleasure of the Governor.

Jesse A. Mitchell, Ava, Missouri, as a member of the State Tax Commission for a term ending June 17, 1941, and until his successor is duly appointed and qualified.

George Blowers, Mexico, Missouri, as State Purchasing Agent for a term ending at the pleasure of the Governor; vice, George C. Johnson, term expired.

O. H. Moberly, Harris, Missouri, as Commissioner of Finance for a term ending at the pleasure of the Governor.

Jewell Mayes, Richmond, Missouri, as Commissioner of Agriculture for a term ending April 10, 1941, and until his



successor is duly appointed and qualified; vice, J. C. Bre-shears, resigned.

B. Marvin Casteel, St. Joseph, Missouri, as Superintendent of the Missouri State Highway Patrol for a term ending at the pleasure of the Governor.

Earl E. Young, Lebanon, Missouri, as a member of the Board of Managers of the State Federal Soldiers' Home of Missouri, for a term ending February 1, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

### TO THE SENATE

APRIL 26, 1937

*From the Journal of the Senate, p. 717*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1937.

*To the Senate of the 59th General Assembly in Regular Session:*

I have the honor to submit herewith for your advice and consent the following appointment to office:

Frank J. Lahey, 2812 St. Vincent Avenue, St. Louis, Missouri, as a member of the Workmen's Compensation Commission for a term ending November 16th, 1940, and until his successor is duly appointed and qualified; vice Orin H. Shaw, deceased.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

## TO THE SENATE

MAY 6, 1937

*From the Journal of the Senate, p. 790*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 6, 1937

*Hon. Frank G. Harris, Lieutenant-Governor, Jefferson City,  
Missouri.*<sup>1</sup>

Dear Governor Harris:

Please convey to the members of the Senate, individually and collectively, my heartfelt thanks and congratulations on behalf of the people of our State for their action in passing the State Drivers License bill.

I am sure that in the adoption of this measure Missouri has taken a long step forward by providing a means of stopping reckless driving on the public highways.

You have recognized that greater safety on our highways is a crying need of the hour, as shown by the appalling and constantly increasing record of fatal accidents. Most of these accidents are due to careless or incompetent driving. You have by your action gone a long way toward stopping that kind of driving and will thereby greatly decrease the number of accidents.

If the result is what I anticipate, the 59th General Assembly will in future years be credited with a very splendid, constructive piece of legislation in the enactment of this law.

Sincerely yours,

LLOYD C. STARK,

Governor.

---

<sup>1</sup>This same message was addressed to the Speaker of the House on May 6 and was read in the House on May 11, 1937. (*Journal of the House of Representatives, 1937, pp. 956-957.*)—Ed.

*TO THE SENATE*

MAY 7, 1937

*From the Journal of the Senate, p. 847*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

MAY 7, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

Malvern B. Clopton, 3720 Washington Avenue, St. Louis, Missouri, as a member of the State Board of Health for a term ending April 18th, 1941, and until his successor is duly appointed and qualified; vice, Fred W. Bailey, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

MAY 7, 1937

*From the Journal of the Senate, p. 847*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

MAY 7, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

Edward W. Gray, Maryville, Nodaway County, Missouri, as a member of the State Highway Commission for a term ending December 1st, 1941, and until his successor is duly appointed and qualified; vice, H. B. Pyle, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

MAY 7, 1937.

*From the Journal of the Senate, p. 848*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

MAY 7, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

DeWitt Masters, Perry, Ralls County, Missouri, as a member of the Board of Managers of the Missouri School for the Deaf for a term ending February 1st, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

---

*TO THE SENATE*

MAY 7, 1937

*From the Journal of the Senate, p. 848*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

MAY 7, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointments to office:

Sam E. Trimble, Springfield, Greene County, Missouri, as a member of the Board of Regents for Southwest Missouri State Teachers College, Springfield, Missouri, for a term ending January 1st, 1943, and until his successor is duly appointed and qualified.

Grover C. James, Joplin, Jasper County, Missouri, as a member of the Board of Regents for Southwest Missouri

State Teachers College, Springfield, Missouri, for a term ending January 1st, 1943, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

MAY 8, 1937

*From the Journal of the Senate, p. 848*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 8, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

John H. Skaggs, 6969 Bancroft Avenue, St. Louis, Missouri, as a member of the State Board of Barber Examiners for a term ending May 4, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

MAY 12, 1937

*From the Journal of the Senate, p. 849*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 12, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

H. G. Simpson, Charleston, Mississippi County, Missouri, as a member of the State Highway Commission for a term ending December 1st, 1939, and until his successor is duly appointed and qualified; vice Dulany Mahan, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

MAY 14, 1937

*From the Journal of the Senate, pp. 874-875*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 14, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointments to office:

W. R. Painter, Carrollton, Carroll County, Missouri, as a member of the Board of Managers of State Eleemosynary Institutions for a term ending June 19, 1940, and until his successor is duly appointed and qualified.

C. D. Matthews, Sikeston, Scott County, Missouri, as a member of the Board of Managers of State Eleemosynary Institutions for a term ending June 19, 1940, and until his successor is duly appointed and qualified.

John D. McNeely, St. Joseph, Buchanan County, Missouri, as a member of the Board of Managers of State Eleemosynary Institutions for a term ending June 19, 1938, and until his successor is duly appointed and qualified.

John J. Griffin, 3852 Castleman Avenue, St. Louis, Missouri, as a member of the Board of Managers of State Eleemosynary Institutions for a term ending June 19, 1940, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

MAY 17, 1937

*From the Journal of the Senate, pp. 883-884*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 17, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

Charles F. Quinlin, Hannibal, Marion County, Missouri, as a member of the State Board of Barber Examiners for a term ending May 4th, 1941, and until his successor is duly appointed and qualified; vice, J. Church, term expired.

Respectfully submitted,

LLOYD C. STARK,

Governor.

---

*TO THE SENATE*

MAY 17, 1937

*From the Journal of the Senate, p. 884*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 17, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

Richard Johnson, St. Joseph, Buchanan County, Missouri, as a member of the Board of Police Commissioners for the City of St. Joseph, Missouri, for a term ending April 28th, 1940, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

MAY 17, 1937

*From the Journal of the Senate, p. 884*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 17, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

Claude C. Earp, Nevada, Vernon County, Missouri, as a member of the State Highway Commission for a term ending December 1st, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

MAY 19, 1937

*From the Journal of the Senate, p. 923*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 19, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

J. Frank Davis, 618 R. A. Long Building, Kansas City, Jackson County, Missouri, as a member of the State Board of Barber Examiners for a term ending May 4, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.



*TO THE SENATE*

MAY 19, 1937

*From the Journal of the Senate, p. 923*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 19, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

Lewis N. Coffman, Salem, Dent County, Missouri, as a member of the Board of Managers of the State Federal Soldiers Home of Missouri, for a term ending February 1st, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

JUNE 1, 1937

*From the Journal of the Senate, p. 1069*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 1, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I desire to hereby withdraw from your consideration the name of John J. Nangle for appointment as a member of the Board of Police Commissioners for the City of St. Louis, Missouri.

Respectfully,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

JUNE 1, 1937

*From the Journal of the Senate, p. 1069*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 1, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

Samuel H. Liberman, 314 North Broadway, St. Louis, Missouri, as a member of the Board of Police Commissioners for the City of St. Louis, Missouri, for a term ending January 1, 1941, and until his successor is duly appointed and qualified: vice, George T. Priest, term expired.

Respectfully submitted,

LLOYD C. STARK,

Governor.

---

*TO THE SENATE*

JUNE 1, 1937

*From the Journal of the Senate, p. 1080*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 1, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointments to office:

H. J. Blanton, Democrat, Paris, Monroe County, Missouri, as a member of the Board of Curators of the University of Missouri, for a term ending January 1, 1943, and until his successor is duly appointed and qualified.

Earl F. Nelson, Democrat, 6610 Waterman Avenue, St. Louis, Missouri, as a member of the Board of Curators of

the University of Missouri for a term ending January 1, 1943, and until his successor is duly appointed and qualified; vice, J. K. Walsh, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

### TO THE SENATE

JUNE 4, 1937

*From the Journal of the Senate, p. 1155*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 4, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

Mrs. Mary Edna Cruzen, Gallatin, Daviess County, Missouri, as Commissioner of Labor and Industrial Inspection for a term ending July 3, 1939, and until her successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

### TO THE SENATE

JUNE 4, 1937

*From the Journal of the Senate, p. 1155*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 4, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointments to office:

Joseph L. McLemore, 4545 North Market Street, St. Louis, Missouri, as a member of the Board of Curators of Lincoln University for a term ending January 1, 1941, and until his successor is duly appointed and qualified.

William J. Thompkins, 1306 Euclid Avenue, Kansas City, Missouri, as a member of the Board of Curators of Lincoln University for a term ending January 1, 1941, and until his successor is duly appointed and qualified.

C. C. Hubbard, Sedalia, Pettis County, Missouri, as a member of the Board of Curators of Lincoln University for a term ending January 1, 1941, and until his successor is duly appointed and qualified; vice, Victor H. Collins, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

### TO THE SENATE

JUNE 4, 1937

*From the Journal of the Senate, p. 1156*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 4, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointments to office:

J. C. Houck, Democrat, Shelbina, Shelby County, Missouri, as a member of the Board of Regents for Northeast Missouri State Teachers College, No. 1, Kirksville, Missouri, for a term ending January 1, 1943, and until his successor is duly appointed and qualified: vice, W. L. Shouse, deceased.

W. A. Cable, Democrat, Hannibal, Marion County, Missouri, as a member of the Board of Regents for Northeast Missouri State Teachers College, No. 1, Kirksville, Missouri, for a term ending January 1, 1943, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

JUNE 4, 1937

*From the Journal of the Senate, p. 1156*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 4, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointments to office:

Frederick S. Henderson, Webster Groves, St. Louis County, Missouri, as a member of the Board of Election Commissioners for St. Louis County, Missouri, for a term ending January 15, 1941, and until his successor is duly appointed and qualified; vice, J. C. A. Hiller, term expired.

Charles E. Williams, 7100 Pershing Avenue, University City, Missouri, as a member of the Board of Election Commissioners for St. Louis County, Missouri, for a term ending January 15, 1941, and until his successor is duly appointed and qualified; vice, Peter C. Bopp, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

JUNE 4, 1937

*From the Journal of the Senate, p. 1157*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

June 4, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

Dr. L. Paul Forgrave, St. Joseph, Buchanan County, Missouri, as a member of the State Board of Health for a term ending April 18, 1941, and until his successor is duly appointed and qualified; vice, Dr. W. T. Elam, term expired.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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*TO THE SENATE*

JUNE 4, 1937

*From the Journal of the Senate, p. 1157*

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**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

June 4, 1937.

*To the Senate of the 59th General Assembly of Missouri:*

I have the honor to submit herewith, for your advice and consent, the following appointment to office:

Benjamin John Harrison, Springfield, Greene County, Missouri, as a member of the State Athletic Commission, for a term ending at the pleasure of the Governor.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE HOUSE OF REPRESENTATIVES*

JUNE 8, 1937

*From the Journal of the House of Representatives, p. 1304*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 8, 1937.

*To the House of Representatives:*<sup>1</sup>

I wish to thank the members of the 59th General Assembly, on behalf of the people of Missouri, for the fine record of constructive legislation they have made. No legislature in recent history of the state has had so many problems of far-reaching importance to deal with, and none has made a better job of it.

You can return to your people with a feeling of satisfaction, a knowledge of work well done in their behalf. This legislature will be judged in future, not by the captious criticism of the moment, but by the permanent and beneficial results which will follow such legislation as the social security bill, the drivers' license measure, unemployment insurance, parole board, cancer hospital and narcotic bills and other constructive measures.

While the success of these laws depends upon the way they are enforced and carried out, I feel safe in saying that no administrative authority in this state will dare disregard the welfare of the people by laxity or indifference in that connection. So far as the Governor's office is concerned, I pledge my best efforts, and the hearty cooperation of every one working under me, to faithfully carry out the spirit, as well as the letter, of the laws that have been enacted—laws which touch the lives of all of our people in some degree.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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<sup>1</sup>This same message was addressed to the Senate on June 8 and was read in the Senate on that day (*Journal of the Senate, 1937, pp. 1274-1275*)—Ed

*TO THE SECRETARY OF STATE*

JUNE 25, 1937

*From the Journal of the House of Representatives, pp. 1322-1323*

June 25, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my approval endorsed thereon, House Bill No. 303, entitled:

“An Act to repeal Section 9975A, page 453, Session Acts of Missouri, 1933, approved April 1, 1933, relating to the collection of general taxes in certain cities and enacting in lieu thereof a new section relating to the same subject with the same number and containing an emergency clause.”

I am of the opinion that portion of this Bill relinquishing one per cent (1%) of the amount of the City and School Taxes in cities now or hereafter having seven hundred thousand inhabitants, if paid prior to November 30th, violates Section 51 of Article IV. of the State Constitution which forbids the Legislature from releasing or extinguishing in whole or in part any obligation of any corporation or individual to any municipal corporation. This unmatured tax, the Missouri Supreme Court holds, is an obligation due the City.

But, I am of the opinion that the above mentioned invalid part of this Bill can be legally severed and the remainder of the Bill, permitting the payment of the City and School Taxes in installments of one-quarter, one-half or three-quarters, in advance of delinquency will constitute a valid enactment and for these reasons, I approve House Bill No. 303.

Very truly yours,

LLOYD C. STARK,

Governor.



## TO THE SECRETARY OF STATE

JUNE 26, 1937

*From the Journal of the House of Representatives, p. 1324*

June 26, 1937.

*Secretary of State:*

Sir: I have the honor to hand you herewith, with my approval endorsed thereon, House Bill No. 446, entitled:

"An Act to repeal Sections 1, 3, 4, 5 and 11, pages 215-216, 217 and 218, Laws of 1931, and Sections 12 and 13, page 232, Laws of 1933, in reference to permanent registration of voters in cities having a population of thirty thousand inhabitants to eighty thousand inhabitants, and enacting in lieu thereof seven new sections to be known as Sections 1, 3, 4, 5, 11, 12 and 13."

It will be observed that at present the Constitution of this State does not permit a person of foreign birth, who may have declared his intention to become a citizen of the United States, according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years and who has resided in this State one year next preceding the election at which he offers to vote and during the last ten days of that time in the ward in which he offers to vote, to cast a vote. In other words, a man or woman must be a citizen of the United States before he can vote, and cannot vote because he has declared his intention to become a citizen.

The unconstitutionality of this Section however will not, in my opinion, effect the validity of the remainder of this bill; and I believe the courts would ignore said section and treat it as void and find that there still remains a complete and enforceable piece of legislation.

Very truly yours,

LLOYD C. STARK,

Governor.

## TO THE GENERAL ASSEMBLY

JANUARY 18, 1939

*From the Appendix to the Journals of the General Assembly, 1939, Vol. III*

STATE OF MISSOURI, OFFICE OF THE GOVERNOR, JEFFERSON CITY,

January 18, 1939.

*To the Members of the Sixtieth General Assembly:*

Pursuant to a constitutional provision, and the law establishing an Executive Budget, I present herewith the budget recommendations for the biennium 1939-40.

Section 7 of the 1933 law establishing the Executive Budget provides for: "A budget message outlining the fiscal policy of the state for the biennium and describing the important features of the budget plan; giving a summary of the budget setting forth aggregate figures of proposed revenues and expenditures and the balanced relations between the proposed revenues and expenditures and the total expected income and other means of financing the budget compared with the corresponding figures for the preceding biennium; including explanatory schedules classifying proposed expenditures by organization units, objects and funds."

Departmental requests and budget recommendations for appropriations are summarized below.

	Departmental requests	Budget recommendations
From General Revenue fund. . . . .	\$84,885,699	\$65,629,143
From other funds . . . . .	129,383,881	123,934,493
	\$214,269,580	\$189,563,636

The totals reflected above do not include the anticipated allotment from the General Revenue fund to the State

Public School Moneys Fund, the amount of which, based on anticipated revenues, is set forth hereinafter. Certain recommended appropriations for specific purposes from the State Public School Moneys Fund are, however, included in the total budget recommendations; the balance of this fund is subject to apportionment among the free public schools of the State in accordance with existing legislation.

Appropriations for the biennium 1937-38 were \$61,321,-214 from the General Revenue fund and \$101,453,220 from other Funds.

Comments relative to the more important phases of the budget for the biennium 1939-40 are contained in the following paragraphs.

#### STATE DEBT TO BE REDUCED \$13,460,000

It is important to note that the biennium 1939-40 is the first fiscal period for many years during which no issuance of State bonds under new or previously authorized issues is recommended or contemplated.

On the contrary, the aggregate debt of the State of Missouri will be reduced by \$13,460,000 during the current biennium from funds previously accumulated or anticipated to be received, as indicated below.

	Outstanding Dec. 31, 1938	Retirement of Missouri Bonds 1939-40	To be Outstanding Dec. 31, 1940
State Road Bonds . . . . .	\$99,990,000	\$10,000,000	\$89,990,000
State Building Bonds. . . . .	8,500,000	3,000,000	5,500,000
Soldier Bonus Bonds . . . . .	1,453,000	460,000	993,000
School Fund Certificates of Indebtedness. . . . .	3,159,000	.	3,159,000
Seminary Fund Certifi- cates of Indebtedness. . . . .	1,239,839	.	1,239,839
	<b>\$114,341,839</b>	<b>\$13,460,000</b>	<b>\$100,881,839</b>

## GENERAL REVENUE FUND

The following schedule sets forth an estimate of the funds anticipated to be available for General Revenue purposes for the biennium 1939-40.

<b>BALANCE IN GENERAL REVENUE FUND—</b>		
December 31, 1938 (Subject to reduction by usual subsequent payment of prior year obligations and any necessary reappropriations to cover uncompleted building program in progress on January 1, 1939)		\$4,807,137
<b>ANTICIPATED RECEIPTS—1939-40</b>		
Ordinary Revenue	\$84,641,500	
Other receipts and transfers.	1,145,000	
	<hr/>	
	\$85,786,500	
<b>Deduction:</b>		
Allocation of one-third of Ordinary Revenue to State Public School Moneys Fund.		
	\$28,213,833	
	<hr/>	
Balance of receipts available for General Revenue purposes		57,572,667
<b>ESTIMATED AVAILABLE GENERAL REVENUE FUNDS—TOTAL.</b>		<hr/>
		\$62,379,804

The above total estimated available General Revenue funds compares with aggregate recommended appropriations of \$65,629,143 from the General Revenue fund. The relatively small proportion of indicated over-appropriation (approximately five per cent) may be met by revenue receipts in excess of the estimate submitted, or by control of expenditures in accordance with the provisions of the State Budget Law.

It is to be noted that the estimate of General Revenue receipts includes the following two sources of revenue which are relatively new in our taxing structure.

Sales tax .....	\$44,000,000
Liquor and beer taxes. ....	11,300,000
	<hr/> \$55,300,000

After the deduction of one-third of these receipts, or \$18,433,333, representing the indicated allocation to schools on the basis of this estimate, there remains a balance of \$36,866,667 from these two sources of revenue which would be available for General Revenue purposes. This balance is to be compared with recommended appropriations aggregating \$41,513,880, as listed below, for relatively new activities and new administrative costs.

Social Security program. ....			\$36,600,000
Allotment to State mental hospitals and sanatorium at Mt. Vernon.....			2,750,000
Mental hospital patients....			600,000
Administration and collection of sales tax and liquor and beer taxes:			
Sales tax:			
State Auditor....	\$860,000		
Sales Tax tokens..	75,000		
Attorney General..	20,000	\$955,000	
Liquor and beer taxes:			
Department of Liquor Control.....	\$476,380		
State Treasurer, including purchase of liquor and beer stamps..	112,500		
Attorney General..	20,000	\$608,880	1,563,880
			<hr/> \$41,513,880

In the following schedule, the amounts recommended for the more recent activities just enumerated are deducted from the total General Revenue budget in order to afford a basis of comparison of the recommended appropriations for other general purposes with those of prior bienniums.

Total recommended appropriations from General Revenue fund.....	\$65,629,143
Deduct—Recommended appropriations for specific purposes set forth in the foregoing schedule.. . . .	41,513,880
Remainder for ordinary State purposes. . . . .	24,115,263

Total appropriations from General Revenue fund for ordinary State purposes prior to the enactment of sales and liquor taxes:

1927-28.....	\$19,151,795
1929-30. ....	21,823,527
1931-32 . . . . .	24,281,308

The analysis and comparisons submitted in the preceding paragraphs indicate no great increase in the probable cost of maintaining the long established functions of our State Government, and the indicated increases also include provisions for certain other recently established departments and functions, such as the Cancer Hospital and the Board of Probation and Parole, as well as the increased needs of our educational, penal, and eleemosynary institutions by reason of their greatly expanded facilities.

The budget of the General Revenue fund also includes provisions for the entire current biennium for the maintenance of State Parks, which, prior to July 1, 1937, were supported by a portion of the earnings now accruing wholly to the Conservation Commission Fund.

Attention is directed to the estimated requirements for the activities of the Commission for the Blind, which have been included in the budget of the General Revenue fund at a tentative amount of \$200,000 for the first time in recent years. This compares with an appropriation of \$315,595 for the biennium 1937-38 from the Blind Pension Fund. The anticipated receipts of the Blind Pension Fund may barely cover the requirements of pensions only, leaving no balance from that source for the Commission for the Blind.

In my recent message to the General Assembly, it was suggested that consideration should be given to the possibility of transferring certain of the activities of the Commission for the Blind to other existing State agencies.

As a whole, the budget of the General Revenue fund, as submitted herein, represents an expression of my endeavor to keep the general costs of State government to a minimum, consistent with the efficient rendering of essential services by the State in the interests of all the people.

#### OTHER FUNDS

The aggregate total recommended from "Funds" other than General Revenue (amounting to \$123,934,493) cannot be spent unless earned by the respective departments and agencies. It should not be considered as indicative of the expenditures likely to be made. In general, the recommended appropriations provide latitude to cover receipts somewhat in excess of present estimates thereof which aggregate only \$103,645,321.

#### FEDERAL FUNDS

It should also be remembered that the above recommended appropriations include the following amounts from Federal sources.

<b>Education:</b>	
Vocational agriculture, home economics, trade and industrial education.	\$1,283,000
Vocational rehabilitation of disabled persons	125,000
State Road Fund—portion representing anticipated Federal grants	7,000,000
Social Security program	23,200,000
Unemployment Compensation Commission	2,600,000
Employment Service.	2,220,000
Estimated Federal Funds—Total	\$36,428,000

#### HIGHWAY FUNDS

Recommended appropriations from the various Highway Department funds are in excess of anticipated revenues

under existing conditions and legislation. An estimate of Highway receipts for the biennium 1939-40 is presented below.

<b>Highway Department Fund:</b>	
Gasoline Tax (2c) .....	\$23,600,000
Motor vehicle license fees.....	18,666,000
Drivers' license fees.....	300,000
Bus and truck fees.. ..	1,100,000
Refunds and miscellaneous collections . . . . .	1,334,000
	<hr/>
	\$45,000,000
<b>State Road Fund:</b>	
Anticipated Federal grants... ..	7,000,000
	<hr/>
	\$52,000,000

The budget contains the following recommended appropriations from Highway funds:

<b>State Road Interest and Sinking Fund:</b>	
Redemption of bonds . . . . .	\$10,000,000
Interest . . . . .	7,586,700
<b>State Road Fund:</b>	
Construction and maintenance . . . . .	45,000,000
<b>State Highway Fund:</b>	
Administration. ....	1,885,000
Revolving fund .. ..	150,000
Highway Patrol . . . . .	1,358,413
<b>Secretary of State:</b>	
Motor vehicle department ...	878,300
Drivers' License department. . . . .	209,000
Publishing road laws. ....	5,000
State Treasurer .. .	65,500
State Auditor. . . . .	60,000
Attorney General. . . . .	12,000
Public Service Commission .. .	270,980
Oil Department. . . . .	132,075
Fund Commission .. .	19,000
Refund of gasoline taxes. ....	1,250,000
Allocation of bus and truck fees (not indicated in budget)	
—Approximate amount .. .	1,013,000
	<hr/>
	\$69,894,968



Reference is made at this time to that portion of my recent message to the General Assembly directing attention to the necessity for a long-range plan of highway construction and for preserving our present large investment in our highway system.

#### SUMMARY OF ALL "FUNDS"

Based on the foregoing analysis, there is presented below a condensed summary of the total recommended appropriations from all "Funds" other than the General Revenue fund.

Federal funds (exclusive of Highway grants). . . . .	\$29,428,000
Highway funds (exclusive of allocation of bus and truck fees and bond retirement and interest)	51,295,268
Bond retirement and interest funds:	
State road bonds . . . . .	17,586,700
State building bonds . . . . .	3,418,750
Soldier bonus bonds. . . . .	569,197
County foreign insurance tax fund (Distribution). .	2,500,000
Missouri Penitentiary revolving fund . . . . .	3,500,000
Blind pension fund . . . . .	2,750,000
Conservation Commission fund. . . . .	1,643,758
Funds of all other departments, institutions, boards and bureaus. . . . .	11,242,820
	<hr/>
	\$123,934,493

#### CONCLUSION

The General Assembly may be assured of my cooperation in any measures tending to promote real economy and efficiency in government.

I wish to place at the disposal of the General Assembly the facilities of the State Budget Department for any detailed information which may be desired.

Respectfully submitted,  
 LLOYD C. STARK,  
 Governor of the State of Missouri.

## TO THE GENERAL ASSEMBLY

JANUARY 27, 1939

*From the Journal of the House of Representatives, pp. 125-127*

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*To the Senate and House of Representatives of the 60th General Assembly:*

I come before you to lay upon your minds and hearts a problem not only pressing but vital to the well-being of many thousands of Missouri citizens, a problem which involves subsistence needs of men, women and little children who are dependent upon public funds, from state and Federal governments, for the necessities of life—food, shelter, fuel and clothing.

We cannot ignore or look with smug complacency upon the picture of want and destitution now facing us in Missouri and be true to ourselves, our humanitarian ideals or our rights and duties as citizens and as public officials.

A serious emergency exists and it is my duty to call the attention of the General Assembly to my conception of what should be done, as promptly as Legislative processes can be applied, to rectify a situation which is fraught with grave possibilities, unless speedy action can be taken by way of writing certain amendments into our Social Security law enacted in 1937—a fine, comprehensive, humanitarian law of which we are justly proud.

Certain interpretations have been placed by our courts upon the provisions of the Social Security law as to eligibility of applicants and the granting of Old Age Assistance, which I feel sure are not in accord with the intention of the General Assembly which enacted the law.

I believe, also, that the general public, the taxpayers who contribute to the support of the public assistance program as administered by the State Social Security Commission, are convinced that public aid should be given only in cases of investigated, proven need.

In my opening message to this joint assembly, I stated that our object is to take care of the needy, and that in granting Old Age Assistance need must be the determining factor.

This has been the policy of the State Social Security Commission from the first and it not only seems wise and practical, but is in line with the policies and regulations of the Federal Social Security Board, which matches dollars with the states and cooperates fully and agreeably with the state agencies which distribute Federal funds so long as the state agency adheres to the Federal policy of making need the determining factor in granting assistance to the aged and to dependent children.

I am not suggesting extensive changes in the Social Security law, nor does the Social Security Commission ask for any substantial changes, but clarification is necessary if the State of Missouri is to continue to receive Old Age Assistance funds from the Federal Government.

You are aware that no Federal Old Age Assistance grant has been made to this state for the first quarter of 1939, and that Old Age Assistance checks for January were paid entirely from the state's revenues, in anticipation of a Federal grant which is not yet forthcoming.

We now believe this Federal grant will not be made available, either for the month of January or succeeding months, unless the State Social Security Commission is enabled, by clarification of the law, to pursue a policy in harmony with the Federal Social Security Law and the regulations of the Federal Board thereunder.

There are on file in my office copies of correspondence between the State Commission and the Federal Board which clearly indicate what we may expect, or may not expect, unless Missouri conforms to Federal regulations.

Attention was first called to the matter in a letter from Oscar M. Powell, Executive Director of the Social Security Board, dated November 15, 1938, in which it was definitely stated that under the ruling of the Springfield Court of Appeals "the State Plan for Old Age Assistance administered in accordance with such a decision would not warrant con-

tinued approval of the Social Security Board under the Social Security Act and Federal grants to the state for Old Age Assistance could not be made."

Exception was also taken to the "trial de novo" of cases appealed to Circuit Courts in determining the eligibility of applicants.

While there is no desire or inclination to deny the right of appeal from the rulings of the Social Security Commission, the Federal Act requires a single administrative agency.

In the State of Missouri the designated agency is the Social Security Commission.

In a letter under date of December 21st, Director Powell suggests that Section 16 of the Missouri Law be changed in accordance with the general principles of administrative law whereby the courts would be limited to a review of the record and proceedings of the State Commission "for the purpose of determining whether or not a fair hearing was granted to the individual and whether or not the decision of the State Commission was arbitrary and unreasonable."

In such an event, it is suggested by the Washington authorities, the court should remand the proceedings for re-determination by the State Commission.

In passing, it seems proper to mention another paragraph in the Federal letter referred to above.

The attention of the Missouri Social Security Commission is called to the fact that the staff was "so drastically curtailed during the latter part of 1938 as to render efficient administration and proper service to needy individuals virtually impossible."

This paragraph closes with the following warning:

"Unless an appropriation sufficient to make possible sound and efficient administration is made available at the coming session of the legislature, there is grave doubt as to the right of the Social Security Board to continue Federal participation."

I now revert to the question of eligibility for Old Age Assistance as based on need, and again quote from Director Powell's letter of December 21 on this subject. He says:

"At the time that the Missouri plan was submitted to the Federal Social Security Board for approval, it was believed that Section 11 of the Missouri act providing for Old Age Assistance made it possible for the Missouri State Social Security Commission to grant assistance on the basis of need, after giving due consideration to the total means of support available to each applicant, regardless of its nature or source."

Continuing, Mr. Powell says:

"That the Missouri courts do not agree with this interpretation has been evidenced by the decision of the circuit court of Newton County and that of the Springfield Court of Appeals in the Houston C. Price case.

"It would seem, in view of these court decisions, that the Missouri Legislature would need to amend the present provisions of the act to provide, in terms even more clearly stated than those of the present act, that assistance shall be granted on a needs basis if continued Federal participation is to be possible."

Members of the Assembly, you are entitled to know all the facts and issues involved in the administration of the Social Security program and the problems of the State Social Security Commission are, in a sense, your problems.

I am submitting this statement in the belief that you want to know and are entitled to know something of the grave results that may ensue and the serious consequences that may arise unless prompt consideration is given to needed amendments in our Social Security law, making it more clear and incapable of the interpretation that has been placed on it, thereby endangering the entire old age assistance program and holding up the Federal grants to Missouri until our law and administrative policies conform to federal requirements, and is in accord with what I conceive to be public sentiment in this state.

Public assistance must be administered within the zone of reason and as economically as is compatible with efficient, practical regulations governing its distribution.

We owe it to the deserving aged and to the taxpayers to so amend this law as to make its provisions applicable only to those who are justly entitled to State and Federal Aid.

LLOYD C. STARK,  
Governor.

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*TO THE HOUSE OF REPRESENTATIVES*

MARCH 20, 1939

*From the Journal of the House of Representatives, p. 572*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 20, 1939.

*To the Speaker of the House of Representatives of the State of Missouri:*<sup>1</sup>

Dear Sir:

I herewith transmit a Special Message to the 60th General Assembly of Missouri in accordance with the provisions of Section 41 of Article IV of the Constitution of Missouri as amended in 1933, relating to recommendations by the Governor of the State to the General Assembly after the expiration of the 70th day of the Revising Session as to Measures and Bills which the Governor suggests to the General Assembly to consider.

Respectfully yours,  
LLOYD C. STARK,  
Governor.

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<sup>1</sup>This same message, also transmitting the special message to the General Assembly, was addressed to the presiding officer of the Senate on March 20 and was read in the Senate on March 21 (*Journal of the Senate, 1939, p. 500.*)—Ed.

*TO THE GENERAL ASSEMBLY*

MARCH 20, 1939

*From the Journal of the House of Representatives, pp. 572-573*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 20, 1939.

*Special Message to the Members of the 60th General Assembly:*

In compliance with an Amendment to the Constitution of the State of Missouri adopted at the General State Election held on November 8th, 1932, repealing Sections 29 and 41 of Article IV of said Constitution and adopting three new sections to said Article IV to be known and numbered as Section 16A, 29 and 41, I have the honor to recommend for your further consideration the following Legislative Bills (or Amendments thereto) now pending, and other Bills and Measures now pending on the subjects embodied in the Bills designated herein, at the expiration of the 70th day of the 60th General Assembly:

HOUSE BILL NO. 7—being a Bill to authorize cities, towns, villages and other public bodies and subdivisions to aid Housing Projects of Housing Authorities.

HOUSE BILL NO. 6—being a Bill to declare the necessity of creating municipal corporations to be known as Housing Authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income.

SENATE BILL NO. 5—being a Bill relating to Marriage and Marriage Contracts and providing for medical examination for venereal diseases of applicants for a marriage license.

SENATE BILL NO. 253—to promote travel in Missouri by planning and conducting a program of information, advertising and publicity as to the facilities, attractions, and advantages of the State.

SENATE BILL NO. 69—being a Bill providing for the Public Sale of all Bonds (except certain Refunding Bonds) hereafter issued by the State of Missouri or by any county, city, town, township, school district or other political corporations or subdivisions of the State where the Bond Issue is \$20,000 or more.

HOUSE BILL NO. 23—providing for appointment of Commissioners for the St. Louis Court of Appeals for a term of four years.

HOUSE BILL NO. 22—relating to delinquent and back taxes and personal and land delinquent tax lists and for relief of persons whose personal or real estate taxes became delinquent on or before January 1st, 1938.

SENATE BILL NO. 328—authorizing the compromising and settling of a controversy between the State of Missouri and the State of Iowa over part of the boundary between said States resulting from shift of channel of the Des Moines River.

SENATE BILL NO. 41—relating to transporting in a motor vehicle fire-arms.

SENATE BILL NO. 244—authorizing State Auditor and Treasurer to comply with Acts of Congress securing to the State funds from the United States for public purposes.

SENATE BILL NO. 245—authorizing municipalities and legal subdivisions in the State to accept payment of labor and materials from the State or Federal Government for public improvements.

HOUSE BILL NO. 156—Soil Conservation Districts created for controlling erosion and conserving soil resources.

HOUSE BILL NO. 197—An Act to provide for control of Bang's Disease in cattle.

HOUSE BILL NO. 475—declaring field bindweed a noxious weed and providing for elimination thereof.



HOUSE BILL NO. 506—An Act for secrecy of the ballot by turning the corner of the ballot down and placing sticker thereon.

HOUSE BILL NO. 529—An Act relating to establishment of a National Mississippi River Parkway.

HOUSE BILL NO. 567—An Act for rural electrification.

HOUSE BILL NO. 569—An Act affixing compensation of Constable in St. Louis County on salary basis.

SENATE BILL NO. 269—An Act repealing certain statutory sections relating to power of investment and loan companies and enacting two new Sections on same subject.

HOUSE BILL NO. 524—An Act defining and prohibiting waste of crude Petroleum.

SENATE BILL NO. 50—applicable to St. Louis County, establishing Police Force and providing powers and duties thereof.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 54—relating to erection of sewers in rural Jackson County.

SENATE BILL NO. 7 COMMITTEE SUBSTITUTE—extending hotel inspection act to tourist camps and cabins.

SENATE BILL NO. 254—An Act to amend existing laws with reference to liquor control by adding new sections and designating duties of Prosecuting Attorney and Attorney General.

SENATE BILL NO. 338—prohibiting transportation of intoxicating liquor into the State unless license or gallonage tax has been paid on such liquor.

HOUSE BILL NO. 468—An Act regulating the profession of architecture and engineering.

HOUSE BILL NO. 20—St. Louis County salary bill for Constables.

HOUSE BILL NO. 21—Creating Criminal Court for the County of St. Louis in the 13th Judicial Circuit of the State.

- HOUSE BILL NO. 41—Missouri Cooperation Bill creates Standing Committees of House—Senate and Governor—Committee to be member of Council of State Governments.
- HOUSE BILL NO. 178—regulating community sales of live stock.
- HOUSE BILL NO. 377—creating a State Department of Civil Service.
- HOUSE BILL [NO.] 596—Prevent improper handling of insecticides.
- HOUSE BILL NO. 644—directing the Governor to order suit for payment due State on audit—suit to be begun by Attorney General.
- HOUSE BILL NO. 435—An Act declaring State institutions to be State Parks and providing for State Highways in such institutions.
- HOUSE BILL NO. 461—regulating sale of serum for animals.
- HOUSE BILL NO. 617—for benefit of schools and roads the State of Missouri may accept grants of money from the United States.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE GENERAL ASSEMBLY

MARCH 23, 1939

*From the Journal of the House of Representatives, pp. 616-620*

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*Mr. President and the members of the 60th General Assembly:*

Pursuant to the provisions of Section 41 of Article IV of the Constitution of Missouri as adopted November 8, 1932, I beg to recommend to your consideration, a measure

I consider to be of gravest importance to the people of Missouri—A measure of greater public concern than partisan, local or factional politics.

I am motivated by only one purpose in making this recommendation, and that is a desire to preserve and maintain for our great state the enviable position it has so long held as being a most desirable state in which to live and rear a family, with the assurance that law and order shall reign throughout its borders.

Under the Constitution of this State, it is the duty of the Governor to see that the laws are faithfully executed and he is constituted the conservator of the peace throughout the state. And this duty and this responsibility is always with the Governor's office regardless of whom the occupant may be. Thus the people through their Constitution imposed this duty and responsibility upon the Governor, and he, as their representative, must have the means to fully discharge those duties and responsibilities!

Three quarters of a century ago in Missouri we established the policy of creating by statute, as a department of the state government, metropolitan police systems for our larger cities. Such systems were established in St. Louis, Kansas City and St. Joseph. St. Louis and St. Joseph have metropolitan police systems at the present time.

This policy of State control of the metropolitan police systems, is deeply embedded in our structure of government for this State. It has proven to be justified because it provides an effective power in the State government to correct deplorable conditions, which from time to time occur in the enforcement of our law in the larger cities. Experience has proven that such a system is a necessary safe-guard against the ever present danger of alliance between local politics and crime to which larger cities are peculiarly subject.

Until the year 1932 Kansas City had such a metropolitan police system. Since that date Kansas City has not had and does not now have such a system. Since 1932 the power

to control the Kansas City police department has been vested in the local Kansas City authorities.

This unique situation and deviation from the established policy of this State was brought about by a ruling of the Supreme Court of Missouri holding the entire Statute providing for a system of metropolitan police for Kansas City invalid, because of a defect in the Statute, which can be and should be corrected by this General Assembly.

By reason of this decision by the Supreme Court and the failure of the Legislature to promptly re-enact the Kansas City police law without the defect found therein, Kansas City has had opportunity to give trial to a police system not in conformity with the established policy of this State for the larger cities.

Public records prove and it has become common knowledge that this trial has been a ghastly failure, and we now find the State Government under present laws, without the power necessary to remedy the deplorable conditions which have resulted in Kansas City under the existing system. Therefore, it becomes the direct duty and responsibility of the General Assembly to remedy this condition. You and I owe this to the people of the State of Missouri and of Kansas City.

Without assistance of the law enforcing authorities, city or county, a county grand jury in Kansas City, in a short time, returned 166 indictments charging various law violations from the lowest vices to murder and corruption in public office. That grand jury, as stated by Circuit Judge Allen C. Southern, "lifted only a corner of the curtain," and disclosed only a small part of the appalling mass of corruption behind it. And the Grand Jury report stated "as the Jury considered the evidence presented to it, it came to the inescapable conclusion that there has been a widespread breakdown in law inforcement."

Federal grand juries drawn from the citizenry of Western Missouri exposed the systematized method of disfranchising a multitude of citizens in their sacred right to vote, by violating the sanctity of the ballot box. The trial of the

indictments returned by the Federal Grand Juries has presented a horrible picture of the intimidation and physical abuse of voters and wholesale thefts of election which, as has been proven, occurred with the knowledge and active aid and connivance of the police of Kansas City.

We as public officials having the authority and duty to rectify them, cannot close our eyes to these conditions. We cannot say that they are purely local problems. We cannot decide that they are only Kansas City's business. In these days when rapid transportation is generally available crime is no longer a local problem. Under modern conditions crime radiates and spreads its influence away from a center where it can find protection and harbor of refuge from the law. And thus it becomes a concern, not only of local residents of such a center, but of all those who live in this and nearby states, and of all those who must go to that city to transact business. It is for these reasons that I say that this is not a local problem.

A police department controlled by machine politicians entirely, and therefore answerable only to such political machine, quickly becomes a vicious and intolerable thing.

The police department of Kansas City should be lifted out of the Quagmire of local partisan politics by the abolition of the present municipal police system and the establishment of a metropolitan police. As an effective instrumentality for the maintenance of order and law, it has become a signal and notorious failure. As a police department, it has virtually ceased to function. Controlled by politics, it has become the mere instrumentality of politicians who prostitute it to achieve their own political aims. Kansas City and its good people are entitled to a law-enforcing police department and deserve to have it function. Any system of law which allows a police department to be projected into politics and impairs its ability to function is a vicious one. Such a system now obtains in Kansas City. Political activity is required of police officers as a prerequisite to securing and retaining a position in the Kansas City police department. Participating in such activity, the police officer is

retained in the department. Failing to participate, he is discharged. He must produce political results. That is the matter of first importance. His competency as a police officer, and the merit of his work, exceptional though they may be, are not of importance to his political masters unless he produces politically first. Can any one believe that order and law can be maintained with equal justice to all under such a system? How even can the election laws which you enacted at your last session be enforced, if the officers of the Kansas City police department depend for their positions upon their political activity and the will of those who control the organization which perpetrated the shocking outrages against the ballot, lately revealed by the numerous trials for those offenses in the Federal Court at Kansas City? Under such a system, I submit, the election laws in the past have not been enforced, and in the future they will not be under such a system. What conceivable right have we to expect that a police department will afford protection to a minority, when the officers charged with protecting that minority are not only the tools and pawns of the leaders of an opposing majority, but are charged by them to engage in that sort of political activity which will defeat the minority. A police department sent in a partisan spirit to the polls and with orders to engage in political activity and to produce political results cannot be expected to uphold the law with equal justice toward those whom they are ordered to defeat. Certainly this is a self-evident thing. And the police department of Kansas City has not done so. On the contrary, Police officers stationed at the polls during the November, 1936 election, ostensibly to insure its honesty, openly conspired to deprive citizens of the right to vote for candidates whom their political masters opposed, and Kansas City police officers were convicted in the criminal courts by the Federal authorities for doing so. Unless the Kansas City police department is taken out of the welter of local partisan politics and placed on a nonpartisan foundation, these things which have affronted the people of our State in the past will continue to affront them in the future.

We cannot fatuously assume that those in control of Kansas City's police department have experienced a regeneration of political morals and that it is hereafter their purpose, contrary to the past, not to employ their power over the police department for political purposes. For we have the word of those in control of Kansas City's municipal government, which in turn controls the police department, that police officers in Kansas City, must continue in the future, as in the past, to be their political tools and pawns. On December 15, 1938, according to a news article in a Kansas City newspaper, they declared the beginning of "a sweeping purge" and announced that the first to "feel the force" of the "house cleaning" would be those members of the police department whose political activity was unsatisfactory to the political bosses, and, on December 19, 1938, according to another announcement in that same paper, the "purge" of the police department has begun and will continue. In the future, it is declared, only those members of the police department who are able to secure from their ward leader a certificate that their political activity in their precinct and ward on behalf of the organization dominating local partisan politics has been satisfactory will be able to escape this "purge." Openly, they declare that henceforth the members of the police department must answer first to the ward leaders of their political organization and thereafter, if at all, to the people whose lives and property they are sworn to protect. It cannot be true that a single member of this Assembly believes that a police department shackled to the ward leaders of a political organization, a police department which has become a mere political instrument, stooping even to crimes and felonies to perpetuate its masters in power, should any longer be allowed to continue. A police department is created to protect the lives and property of the people, and not to win elections. It is created to enforce the law, and not to ignore and transgress it. It is established for the equal protection of all, and not for the aggrandizement and perpetuation in power of those who may seize control of it. Whenever a police department,

under any system of law, can be prostituted for any of these lawless purposes, the system which fosters that prostitution should at once be abolished and another system which prevents it, should be established in its stead. This General Assembly is under a duty to the law-abiding citizens of Kansas City and the entire State, to establish a police department for Kansas City which will afford that measure of protection which law-abiding people in the exercise of their civil rights are justly entitled to expect. It is also the duty of this General Assembly to see that the efforts of an honest and courageous Board of Election Commissioners in Kansas City has the full support and cooperation of an equally honest and courageous law enforcing police department to the end that all voters will be free from intimidation at the polls.

But it is not alone the election laws of Kansas City which go unenforced. An apathy and indifference and dry rot has hold of the police department, which appalls the law-abiding people of our State. Under the present system, outrages of every sort against the criminal code go unnoticed and their perpetrators go unwhipped of justice. The liquor traffic is carried on with a flagrant disregard for regulatory law. Gambling establishments, elaborate and sordid, small and large, everywhere have flourished under the very noses of the police. The "red light district" brazenly locates itself within two blocks of the Court House, the Jail and the City Hall, and the inmates of its establishments, with an incredible disregard for police authority, or even decency, blandly solicit patronage and ply their trade in the very shadow of these buildings and on the very street where the Court House stands. Among the fifteen largest cities of this Country, Kansas City ranks first in the homicide rate. Yet nothing is done by the police department to wipe out these disgraceful conditions. No suggestion is made that anything is being done. No indication suggests that anything is to be done.

Again I say, you cannot shut your eyes to these conditions. You cannot say that they are a local problem only.



You cannot decide that they are only Kansas City's business. You cannot hold that they are not the business of the entire State. You must do something about them. For they are a national scandal, and in the eyes of the Nation they scandalize our whole State. Under the present system, the police department does virtually nothing to wipe out these conditions because its first and only allegiance is not to the law abiding people, its first and only allegiance is to the politicians who ally themselves with the underworld, who drive every member of the police department, from top to bottom, into political servitude under the dominance of political leaders and ward bosses, who require that above everything else they produce political results, who discharge them if they do not, and who exact from every member a political tribute in return for their positions on the force, tribute which often cuts their salaries in half. In these circumstances, is it surprising that the police department, in the grasp of politicians allied with the underworld, cannot function, or that it does not wipe out these disgraceful conditions? How could it function? How could it refrain from political activity? How could such a police department administer the laws with equal justice to all? Any attempt to do so would result in immediate discharge from the force.

What incentive has it to clean up Kansas City, to regulate the liquor traffic, to wipe out gambling and to make war on the underworld of vice,—a police department the salary of whose members is often sliced in half to feed the avarice of the overlords of politics, a police department that is perennially underpaid?

Is it not common knowledge that an underpaid police department seldom enforces the law with equality, and almost inevitably yields to the temptation of easy money which comes from graft and alliances with the underworld? Honest police officers are too often corrupted in this way, by this wretched system. Common knowledge is the story of the underpaid Kansas City police officer who deliberately committed perjury in the Circuit Court of Jackson County to save the notorious Charles Gargotta, a public enemy and den-

izen of the underworld from the consequences of murder, and that he did so because an underworld leader having a voice in the control of the police department had promised him in return for his perjury an increase in salary and a promotion on the force. Alliances with the underworld? We do not need to charge that the Kansas City Police Department is allied with the underworld. We have only to cite such instances. Common knowledge also is the shocking story of a Federal Government Officer, who, having apprehended one of the kidnappers of a Kansas City girl in the State of Texas, by long distance telephone called the director of the Kansas City Police. He was answered by the King of Kansas City's Underworld over the police director's desk telephone, and in his very chair, and who was then apparently discharging the police director's functions. Every one now knows how that government officer at that time was denied the right to talk with the police director himself and was ordered to discuss his official business with this leader of the underworld, or not at all. These almost incredible evidences of an alliance between the Police Department and the Underworld have shocked the whole Nation. Their implications are unanswerable. Their truth is undisputed. They are facts!

Yet, in simple justice, it has to be conceded that there must be many members of the police department who are honest men. There must be many officers whose personal desire it is to be allowed honestly and fairly to enforce the laws. There must be many officers who would do so if such a course would not result in their discharge, if the Police Department and its Members were answerable to some other authority than the arbitrary and despotic power of partisan politics. You should see to it, that these policemen are allowed to do their duty, and to do it unshackled, untrammelled and uncontrolled by politicians.

A great authority on crime has recently said that in the enforcement of the law politics is Public Enemy No. 1. Certainly it is the public enemy which in Kansas City has reduced the police department to this unthinkable state of

apathy, and indifference and disgraceful servitude. Your plain duty is to drive it out. Your plain duty is to emancipate the police department, to strike these odious shackles from it, to free it from political slavery. Your plain duty is to legislate in such a way that qualification only will be the criterion for determining the fitness of men for service on the Kansas City Police Department, that merit alone will entitle a police officer to retain his position and to receive promotion, that police officers shall receive an adequate salary for the support of their wives and families. They shall be subject to pay no political tribute at all, financial or otherwise, to any person or organization, that they may fearlessly and fairly maintain order and law and afford equal protection to all, and no less and no more, without the slightest fear or possibility of political reprisal, that the disgraceful conditions which scandalize our whole State may be warred against and wiped out. In short, that the control of the police department shall be wrested from the hands of those who have contaminated it with politics, who have exacted political and financial tribute from it, who have prostituted it to achieve their own political ends, who have reduced it to political servitude, who have shackled and enslaved it, who have rendered it so woefully impotent, and who have covered it with scandal. You should transfer that control to the repository where it belongs—A Bi-Partisan Board, administered entirely on the merit system, which will be answerable not to local politicians but to the authority of the State.

Therefore, to achieve these ends, I here and now recommend that you enact as speedily as possible a law abolishing the present municipal police system existing in Kansas City and creating a metropolitan police system in its stead to be administered on the merit system entirely and without regard to politics—by a Bi-Partisan Police Board composed of four members who shall be appointed by the Governor, each to serve for a term of four years. There is no legal or constitutional obstacle standing in your way. A valid law can constitutionally be enacted. I direct your attention

to the decisions of the Supreme Court of Missouri in State ex rel. vs. Mason, 153 Mo. 23, and State ex rel. Field et al. vs. Smith et al., 49 Southwestern (2d) 74, 78, for the charter of your authority to do so, and I earnestly urge that you enact a Constitutional Law, and above all, a complete and workable system of law, which will achieve the reforms in the Kansas City Police Department which it so desperately needs and wipe out the disgraceful conditions in Kansas City which are shocking the law-abiding people of our State and Nation.

[LLOYD C. STARK.]

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### TO THE GENERAL ASSEMBLY

MARCH 28, 1939

*From the Journal of the House of Representatives, pp. 650-652*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 28, 1939.

#### *Special Message to the Members of the 60th General Assembly:*

In compliance with an Amendment to the Constitution of the State of Missouri adopted at the General State Election held on November 8th, 1932, repealing Sections 29 and 41 of the Articles IV. of said Constitution and adopting three new sections to said Article IV to be known and numbered as Sections 16A, 29 and 41, I have the honor to recommend for your further consideration the following Legislative Bills (or Amendments thereto), now pending, and other Bills and Measures now pending on the subjects embodied in the Bills designated herein, at the expiration of the 70th day of the 60th General Assembly:

HOUSE BILL NO. 386—An Act to amend Article II, Chapter 9 of the Revised Statutes of Missouri, 1929, entitled "Supreme Court and Courts of Appeal"; adding a new Section pertaining to same subject matter and plac-

ing power in Judges of the Supreme Court to make rules and regulations governing the practice and procedure before the Supreme Court, Courts of Appeal, Circuit Courts, and Courts of Common Pleas, and repealing conflicting statutes.

SENATE BILL NO. 47—An Act to amend Article III, Chapter 34 of the Revised Statutes of Missouri, 1929, relating to trust companies and adding a new section known as Section 5459B, relating to rate of interest that trust companies may charge on installment loans and discounts not in excess of \$1,000, and made for not more than two years.

SENATE BILL NO. 48—An Act to amend Article II, Chapter 34 of the Revised Statutes of Missouri, 1929, relating to banks and adding a new section to be known as Section 5338B, relating to rate of interest that banks may charge on installment loans and discounts not in excess of \$1,000, and running for not more than two years.

HOUSE BILL NO. 253—An Act authorizing payment of delinquent state, county, city, school, real and personal property tax for the year 1938 and prior years, waiver of interest and penalties and providing for payment of such taxes in installments under contract.

HOUSE BILL NO. 644—An Act to amend Article III, Chapter 72 of the Revised Statutes of Missouri, 1929 and adding thereto a new section known as Section 11483A and providing that upon all audits made by the State Auditor, and upon all the request of the Auditor, the Governor shall direct the Attorney-General to prosecute suits for the recovery of all money found due upon audit.

HOUSE BILL NO. 625—An Act to repeal Section 3951, Revised Statutes of Missouri, 1929, relating to prosecuting attorneys' and assistant 'prosecuting attorneys' procedure in dismissal of suits nolle prosequi of indict-

ments in criminal proceedings and enactment of a new section, same number and same subject.

HOUSE BILL NO. 480—An Act fixing the salaries of county officials in counties having a population of not less than 200,000 or more than 400,000 and providing for payment of salaries for said officials in lieu of fees.

HOUSE BILL NO. 589—An Act directing the State Auditor and State Treasurer to comply with Act of Congress of the United States to secure funds of the United States available for public purposes.

HOUSE BILL NO. 125—An Act to repeal Section 5017, Revised Statutes of Missouri, 1929, relating to burial associations and enacting a new section in lieu thereof to be known as Section 5017.

HOUSE BILL NO. 93—An Act providing for licensing and taxing and regulations of itinerant merchants using motor vehicles on the public highways of the State of Missouri.

HOUSE BILL NO. 507—An Act to repeal Section 4026, Revised Statutes of Missouri of 1929, relating to abandonment by husband and failure to provide for support of wife and children and enacting a new section in lieu thereof relating to the same subject matter and making wife a competent witness against husband in such prosecutions.

SENATE BILL NO. 57—An Act to repeal Sections 5014 to 5019, inclusive, of Article X, Chapter 32 of Revised Statutes of Missouri of 1929 and enact in lieu thereof a new article to be known as Article XVIII of Chapter 37, comprising 22 sections relating to the same subject matter and providing for incorporation of associations making contracts for furnishing funeral or burial benefits to insured persons.

SENATE BILL NO. 12—An Act creating a planning commission and providing for zoning in counties of not less than 200,000 or more than 400,000 inhabitants.

SENATE BILL NO. 307—An Act relating to civil liability of owners, lessees, licensees, and operators of radio broadcasting stations and the agents, servants and employees of such owners, lessees, licensees or operators for radio defamation.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE GENERAL ASSEMBLY*

MARCH 31, 1939

*From the Journal of the House of Representatives, pp. 714-715*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 31, 1939.

*Special Message to the Members of the 60th General Assembly of Missouri:*

In compliance with an Amendment to the Constitution of the State of Missouri adopted at the General Election held on November 8th, 1932, repealing Sections 29 and 41 of Article IV of said Constitution and adopting three (3) new Sections to said Article IV, to be known and numbered as Sections 16A, 29 and 41, and in pursuance, of the provisions of Section 9 of Article V of the Constitution of the State of Missouri, I have the honor to recommend for your further consideration the following described Legislative Bill pending (and any Amendments thereto) at the expiration of the 70th day of the session of the 60th General Assembly:

SENATE BILL NO. 290—An Act relating to the office of city treasurer in all cities in this state now or hereafter having six hundred thousand inhabitants or more, and in all cities in this state not within a county, but constituting both a political subdivision and a city in its

corporate capacity; providing that the mayor shall commission the city treasurer in all such cities; providing that such treasurer shall serve for the term or period fixed in such commission, and thereafter until his successor is duly elected or appointed and qualified; providing that the mayor may fill vacancies in the office of city treasurer, arising from any cause, and that a city treasurer appointed to fill any such vacancy shall serve until the first Monday in January next following the date of the election of his successor, and thereafter until his successor is qualified; requiring and fixing the amount of the treasurer's official bond, prescribing his duties, fixing his salary, and providing for the appointment and the fixing of the salaries of his deputies, assistants and clerks; and declaring this to be a revision bill; with an emergency clause.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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## TO THE GENERAL ASSEMBLY

APRIL 11, 1939

*From the Journal of the House of Representatives, p. 812*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 11, 1939.

### *Special Message to the Members of the 60th General Assembly:*

In compliance with an amendment to the Constitution of the State of Missouri adopted at the general State election held on November 8, 1932, repealing Sections 29 and 41 of Article IV of said constitution and adopting three (3) new Sections to said Article IV to be known and numbered as Sections 16a, 29 and 41 and in pursuance of the provision,



Section 9, of Article V of the Constitution of the State of Missouri I have the honor to recommend for your further consideration the following described legislative bill pending (and any amendments thereto) at the expiration of the 70th day of the session of the 60th General Assembly:

HOUSE BILL NO. 51—An Act to provide for an establishment of sewer districts in counties now having, or which may hereafter have, a population of not less than four hundred thousand nor more than eight hundred thousand inhabitants, defining the powers and methods of governments of such districts providing for the appointment of engineers, attorneys, and employees of such districts and which qualifications, powers and duties provide for the making of maps and profiles of such districts and holding of elections for the purpose of incurring indebtedness, the qualifications, powers, duties and manner of election of trustees of such districts providing for the assessment, levy and collections of taxes and special assessments for the design, maintenance and operation of sewers in such districts, authorizing the issuance of bonds, providing for the terms of such bonds and manner of execution, sale and payment thereof; providing for the building, construction and maintenance of sewers in such districts including sewage disposal plants, if deemed necessary, and the method of constructing and paying thereof, the condemnation of lands and materials for the purpose of such districts, with an emergency clause.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

**TO THE SENATE**

APRIL 26, 1939

*From the Journal of the Senate, p. 1002*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

J. Emmett Woodmansee, 429 W. 58th Street, Kansas City, Missouri, as a member of the Board of Election Commissioners for Kansas City, for a term ending January 15th, 1941, and until his successor is duly appointed and qualified; vice, E. L. Mehornay, resigned. I designate Mr. Woodmansee as Chairman of the Board.

Lewis Ellis, 317 W. 51st Street, Kansas City, Missouri, as a Member of the Board of Election Commissioners for Kansas City, for a term ending January 15th, 1941, and until his successor is duly appointed and qualified; vice, Charles A. Orr, term expired. I designate Mr. Ellis as Secretary of the Board.

Edgar Shook, 1009 W. 57th Terrace, Kansas City, Missouri, as a Member of the Board of Election Commissioners for a term ending January 15, 1941, and until his successor is duly appointed and qualified; vice, George V. Aylward, term expired.

David Bruce Forrester, 1600 W. 8th Street, Kansas City, Missouri, as a Member of the Board of Election Commissioners for Kansas City, for a term ending January 15, 1941, and until his successor is duly appointed and qualified; vice, M. A. O'Donnell, term expired.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

APRIL 26, 1939

*From the Journal of the Senate, p. 1003*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

John L. Miles, Republican, Independence, Missouri, as a member of the Board of Election Commissioners for the County of Jackson, Missouri, for a term ending January 15th, 1942, and until his successor is duly appointed and qualified; vice, Henry Bundschu, resigned. I designate Mr. Miles as Secretary of the Board.

A. E. Garvin, Republican, Raytown, Missouri, as a member of the Board of Election Commissioners for the County of Jackson, Missouri, for a term ending January 15th, 1942, and until his successor is duly appointed and qualified; vice, Jess Martin, term expired.

Alvin Hatten, Democrat, Independence, Missouri, as a member of the Board of Election Commissioners for the County of Jackson, Missouri, for a term ending January 15th, 1942, and until his successor is duly appointed and qualified; vice, N. R. Holcomb, term expired.

John J. Hardin, Democrat, Independence, Missouri, as a member of the Board of Election Commissioners for the County of Jackson, Missouri, for a term ending January 15th, 1942, and until his successor is duly appointed and qualified; vice Frank Marqua, term expired. I designate Mr. Hardin as Chairman of the Board.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

APRIL 26, 1939

*From the Journal of the Senate, p. 1003*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

James L. McQuie, Democrat, 229 North Kirkwood Road, Kirkwood, Missouri, as a member of the Board of Election Commissioners for the County of St. Louis, Missouri, for a term ending January 15th, 1942, and until his successor is duly appointed and qualified; vice, Owen Jackson, term expired. I designate Mr. McQuie as Chairman of the Board.

Herbert D. Condie, Republican, 40 North Elizabeth Avenue, Ferguson, Missouri, as a member of the Board of Election Commissioners for the County of St. Louis, Missouri, for a term ending January 15th, 1942, and until his successor is duly appointed and qualified; vice, Mrs. Martha McAtee, term expired.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

APRIL 26, 1939

*From the Journal of the Senate, p. 1004*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Harold T. Jolley, Republican, 50 Kingsbury Place, St. Louis, Missouri, as a member of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending January 15th, 1941, and until his successor is duly appointed and qualified; vice, Henry S. Caulfield, resigned.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

APRIL 26, 1939

*From the Journal of the Senate, p. 1004*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Frank T. Hodgdon, Hannibal, Missouri, as a member of the Cancer Commission for a term ending at the pleasure of the Governor; vice, R. Waldo Holt, resigned. I designate Mr. Hodgdon as Chairman of the Commission.

Frederick Joseph Taussig, St. Louis, Missouri, as a member of the Cancer Commission for a term ending at the pleasure of the Governor; vice, Ellis Fischel, deceased.

Dr. Paul F. Cole, Medical Arts Building, Springfield, Missouri, as a member of the Cancer Commission for a term ending at the pleasure of the Governor.

William M. Clark, 2019 Ashland Avenue, St. Joseph, Missouri, as a member of the Cancer Commission for a term ending at the pleasure of the Governor; vice, Fred Clark Hoose, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE SENATE

APRIL 26, 1939

*From the Journal of the Senate, p. 1005*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Russell W. Murphy, 4397 McPherson, St. Louis, Missouri, as a member of the Athletic Commission and designated as Chairman for a term ending at the pleasure of the Governor; vice, Ernest Oakley, resigned.

Lee J. Brosnahan, 5140 Woodland Avenue, Kansas City, Missouri, as a member of the Athletic Commission of the State of Missouri for a term ending at the pleasure of the Governor; vice, Garrett L. Smalley.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

APRIL 26, 1939

*From the Journal of the Senate, p. 1005*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Mr. Monte C. Coulter, Boonville, Missouri, as State Service Officer for a term ending September 14, 1939, and until his successor is duly appointed and qualified; vice, Ed Levy, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

APRIL 26, 1939

*From the Journal of the Senate, pp. 1005-1006*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Nick T. Cave, Columbia, Missouri, as a member of the Social Security Commission for a term ending July 1, 1941, and until his successor is duly appointed and qualified; vice, James M. Kemper, resigned. I designate Mr. Cave as Chairman of the Commission.

John J. Tlappek, St. Marys, Missouri, as a member of the Social Security Commission for a term ending June 30th, 1942, and until his successor is duly appointed and qualified; vice, N. W. Brickey, resigned.

Mrs. Arthur B. McGlothlan, St. Joseph, Missouri, as a member of the Social Security Commission for a term ending June 30, 1942, and until her successor is duly appointed and qualified.

William T. Nardin, 6253 Westminster, St. Louis, Missouri, as a member of the Social Security Commission for a term ending June 30, 1940, and until his successor is duly appointed and qualified.

Wallace Crossley, Warrensburg, Missouri, as a member of the Social Security Commission for a term ending June 30, 1939, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

APRIL 26, 1939

*From the Journal of the Senate, p. 1006*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

J. A. Cooley, Kirksville, Missouri, as a member of the Board of Regents for Northeast Missouri State Teachers College, Kirksville, Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified.



Roland A. Zeigel, Kirksville, Missouri, as a member of the Board of Regents for Northeast Missouri State Teachers College, Kirksville, Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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### TO THE SENATE

APRIL 26, 1939

*From the Journal of the Senate, pp. 1006-1007*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

H. G. Rix, St. Joseph, Missouri, as a member of the Board of Police Commissioners for the City of St. Joseph, Missouri, for a term ending April 28th, 1941, and until his successor is duly appointed and qualified; vice, J. M. Garvey, resigned.

John J. Downey, St. Joseph, Missouri as a member of the Board of Police Commissioners for the City of St. Joseph, Missouri, for a term ending April 28, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

APRIL 26, 1939

*From the Journal of the Senate, p. 1007*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office, made during the present session of the General Assembly, subject to the approval of the Senate:

Dr. F. L. McCluer, Fulton, Missouri, as a member of the Board of Curators of Lincoln University for a term ending March 15, 1943, and until his successor is duly appointed and qualified; vice, Joseph D. Elliff, term expired.

W. Wallace Fry, Mexico, Missouri, as a member of the Board of Curators of Lincoln University for a term ending March 15, 1943, and until his successor is duly appointed and qualified; vice, Lonnie B. Boler, term expired.

Cliff Scruggs, Jefferson City, Missouri, as a member of the Board of Curators of Lincoln University for a term ending March 15, 1943, and until his successor is duly appointed and qualified; vice, S. V. Bedford, term expired.

Dr. J. Edward Perry, 2451 Montgall, Kansas City, Missouri, as a member of the Board of Curators of Lincoln University for a term ending January 1, 1941, and until his successor is duly appointed and qualified; vice, Wm. J. Thompkins, resigned.

Mr. Frank L. Williams, 3026 Laclede, St. Louis, Missouri, as a member of the Board of Curators of Lincoln University for a term ending January 1, 1941, and until his successor is duly appointed and qualified; vice, J. L. McLe-more, resigned.

Please issue Commission accordingly.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

APRIL 26, 1939

*From the Journal of the Senate, pp. 1007-1008*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Mr. Elmer E. Hoppins, 3703 St. John, Kansas City, Missouri, as a member of the Missouri State Board of Pharmacy, for a term ending July 2, 1941, and until his successor is duly [appointed?] elected and qualified; vice, C. N. Gardner.

Charles R. Bohrer, West Plains, Missouri as a member of the Board of Pharmacy of the State of Missouri, for a term ending August 16, 1942, and until his successor is duly appointed and qualified; vice Harvey S. Stephenson, term expired.

William H. Harper, 7378 Hazel Drive, Maplewood, Missouri, as a member of the Board of Pharmacy of the State of Missouri, for a term ending July 2, 1940, and until his successor is duly appointed and qualified; vice, T. Meissler.

Perry Clark, Chillicothe, Missouri, as a member of the Board of Pharmacy of the State of Missouri, for a term ending August 16, 1939, and until his successor is duly appointed and qualified; vice, Carl L. Baskin.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

APRIL 26, 1939

*From the Journal of the Senate, p. 1008*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Dr. H. A. Buehler, Rolla, Missouri, as State Geologist for a term ending August 1, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

APRIL 26, 1939

*From the Journal of the Senate, pp. 1008-1009*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Robert M. Hitt, Koshkonong, Missouri, as a member of the Board of Fruit Experiment Station, for a term ending November 15, 1943, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

APRIL 26, 1939

*From the Journal of the Senate, p. 1009*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Fred A. Groves, Cape Girardeau, Missouri, as a member of the Board of Regents of the Southeast Teachers College, Cape Girardeau, Missouri, for a term ending January 1, 1943, and until his successor is duly appointed and qualified.

Eugene L. McGee, Poplar Bluff, Missouri, as a member of the Board of Regents of the Southeast State Teachers College, Cape Girardeau, Missouri, for a term ending January 1, 1943, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, pp. 1250-1251*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Robert B. Brooks, Sr., 6048 Cabanne, St. Louis, Missouri, as a member of the State Highway Commission, for a term ending December 1, 1943, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, p. 1251*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Edgar C. Nelson, Boonville, Missouri, as a member of the Workmen's Compensation Commission, for a term ending November 16, 1944, and until his successor is duly appointed and qualified. I designate Mr. Nelson as Chairman of the Commission.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, p. 1251*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to submit herewith for your consent and approval the following appointment to office:

Julian D. James, Joplin, Missouri, as a member of the Public Service Commission for a term ending April 15, 1945, and until his successor is duly appointed and qualified. I designate Mr. James as Chairman of the Commission.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, p. 1251*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Adolph Musser, Holden, Missouri, as a member of the Board of Regents for the Central Missouri State Teachers' College at Warrensburg, Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, p. 1252*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made during the vacation and since the present session of the General Assembly, subject to the approval of the Senate:

Dr. Doyle C. McCraw, Bolivar, Missouri, as a member of the Board of Managers of the State Eleemosynary Institutions, for a term ending June 19, 1942, and until his successor is duly appointed and qualified.

Ira A. Jones, St. Charles, Missouri, as a member of the Board of Managers of the State Eleemosynary Institutions, for a term ending June 19, 1942, and until his successor is duly appointed and qualified; vice, C. C. Matthews, deceased.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, p. 1252*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:



Scott Wilson, St. Louis, Missouri, as a member of the Public Service Commission for a term ending April 15, 1943, and until his successor is duly appointed and qualified; vice, W. M. Anderson, term expired.

Marion S. Francis, Mexico, Missouri, as a member of the Public Service Commission for a term ending April 15, 1941, and until his successor is duly appointed and qualified; vice, Albert D. Nortoni, deceased.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, pp. 1252-1253*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Col. John D. McNeeley, St. Joseph, Buchanan County, Missouri, as a member of the Board of Managers of the State Eleemosynary Institutions, for a term ending June 19, 1942, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, p. 1253*

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**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,****May 9, 1939.***To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Dr. Charles Hugh Neilson, 6319 Alexander Drive, St. Louis, Missouri, as a member of the State Board of Health for a term ending December 12, 1942, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, p. 1253*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,****May 9, 1939.***To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made during the present session of the General Assembly, subject to the approval of the Senate:

Ray B. Lucas, Benton, Missouri, as Superintendent of the Insurance Department for a term ending October 19,

1941, and until his successor is duly appointed and qualified; vice, George A. S. Robertson, deceased.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, pp. 1253-1254*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made during the present session of the General Assembly, subject to the approval of the Senate:

Walker Pierce, Fayette, Missouri, as Supervisor of Liquor Control for a term ending at the pleasure of the Governor; vice, Edmund J. McMahon, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, p. 1254*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Ruth Storey, Kirksville, Missouri, as a member of the Board of Nurse Examiners for a term ending June 1, 1939, and until her successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE SENATE

MAY 9, 1939

*From the Journal of the Senate, p. 1254*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Alois A. Winterer, 6246 Itaska Street, St. Louis, Missouri, as a member of the Board of Optometry for a term ending June 30, 1940, and until his successor is duly appointed and qualified; vice, Dr. C. O. G. Mueller, not confirmed.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE SENATE

MAY 9, 1939

*From the Journal of the Senate, pp. 1254-1255*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

George I. Haworth, Carthage, Missouri, as State Administrator of the Social Security Commission, for a term ending July 1, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, p. 1255*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

James Denny, Fayette, Howard County, Missouri, as a member of the Board of Managers of the Missouri School for the Deaf, for a term ending February 1, 1943, and until his successor is duly appointed and qualified.

Waldo Smith, Fulton, Callaway County, Missouri, as a member of the Board of Managers of the Missouri School for the Deaf, for a term ending February 1, 1943, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

**TO THE SENATE**

MAY 9, 1939

*From the Journal of the Senate, p. 1255*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

C. M. Fleming, Versailles, Morgan County, Missouri, as a member of the Board of Managers of the Missouri School for the Deaf, Fulton, Missouri, for a term ending February 1, 1941, and until his successor is duly appointed and qualified.

Grover C. Sparks, Savannah, Andrew County, Missouri, as a member of the Board of Managers of the Missouri School for the Deaf, Fulton, Missouri, for a term ending February 1, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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**TO THE SENATE**

MAY 9, 1939

*From the Journal of the Senate, p. 1256*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Lewis M. Means, Fayette, Howard County, Missouri, as Commanding General of the Missouri National Guard with rank of Brigadier General; to rank from February 9th, 1938.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, p. 1256*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Ralph E. Truman, Springfield, Missouri, as Major General Missouri National Guard; to rank from September 5th, 1938.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 9, 1939

*From the Journal of the Senate, p. 1256*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 9, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

R. Waldo Holt, Louisiana, Missouri, as Commissioner of Finance for a term ending at the pleasure of the Governor; vice, O. H. Moberly, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE GENERAL ASSEMBLY*

MAY 11, 1939

*From the Journal of the Senate, p. 1320*

---

LLOYD C. STARK  
GOVERNOR

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 11, 1939.

*Special Message to the Members of the 60th General Assembly of the State of Missouri, Jefferson City, Missouri.*

In compliance with an amendment to the Constitution of the State of Missouri adopted at the General State election held on November 8th, 1932, repealing Sections 29 and 41 of Article IV, of said Constitution and adopting three (3) new sections to said Article IV, to be known and numbered as Sections 16A, 29 and 41 and in pursuance of Section 9, of Article V of the Constitution of the State of Missouri, I have the honor to recommend for your further consideration the following legislative bills pending (and any amendments thereto) at the expiration of the 70th day of the 60th General Assembly:

HOUSE BILL NO. 33—being a bill relating to zoning in counties of not less than four hundred thousand and not over six hundred thousand inhabitants.

SENATE BILL NO. 18—being a bill to license real estate brokers and applicable, as amended, only to Saint Louis City, Jackson, Buchanan, Jasper, Greene and Saint Louis Counties.



HOUSE BILL NO. 493—being an act to change the term of Office of Judges of County Courts beginning in 1940, in counties now or hereafter having 90,000 and not over 110,000 inhabitants.

HOUSE BILL NO. 567—being a bill relating to Rural Electrification.

HOUSE BILL NO. 500—being a bill relating to annual registration of physicians.

HOUSE BILL NO. 692—being a bill relating to medical examination prior to issuance of marriage license.

SENATE BILL NO. 40—relating to carrying concealed weapons.

SENATE BILL NO. 41—making it unlawful to carry or transport concealed or exposed in any motor vehicle deadly weapons.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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## TO THE GENERAL ASSEMBLY

MAY 12, 1939

*From the Journal of the House of Representatives, pp. 1476-1477*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

MAY 12, 1939.

*To the Members of the 60th General Assembly of the State of Missouri, Jefferson City, Missouri.*

I return to you House Bill No. 300, entitled:

## AN ACT

“To repeal Section 8321, Article 1, Chapter 44, Revised Statutes of Missouri, 1929, relating to penal institutions,

commission of the department of penal institutions, its powers and duties, and to enact a new section in lieu thereof relating to the same subject matter and to be known as Section 8321, and declaring this act to be a revision bill.”

Section 8321 of the Revised Statutes of Missouri, 1929, provides that the President of the Prison Board shall designate from time to time, by order entered of record, some member of the Board to act as President during the absence or sickness of such President appointed by the Governor, and such appointee of the Prison Director shall possess all the powers of the regular President.

House Bill No. 300 provides the director of Penal Institution[s] shall designate from time to time by order entered of record, some member of the Commission to act as Director during the absence or sickness of the Director appointed by the Governor.

The remainder of House Bill is the same in legal effect as the existing statute, Section 8321, Revised Statutes of Missouri, 1929.

It is my opinion that the constitutionality of this bill is doubtful because the Legislature is practically appointing a Director of Penal Institutions but a mere doubt of the validity does not justify a veto.

The provision that the Director may name another Director to exercise the powers of office of the Director of Penal Institutions is, to say the least, in my judgment, unsound public policy.

I do not, however, feel justified in vetoing this bill for either of the reasons above suggested.

I therefore approve House Bill No. 300 and return same to you.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

MAY 12, 1939

*From the Journal of the Senate, p. 1366*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

MAY 12, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made during the vacation and since the present session of the General Assembly, subject to the approval of the Senate:

Mr. Thomas L. Farrington, 625 Skinker Boulevard, St. Louis, Missouri, as a member of the Board of Police Commissioners of the City of St. Louis, Missouri, for a term ending January 1, 1941, and until his successor is duly appointed and qualified; vice, William L. Igoe, resigned.

Mr. Otto F. Harting, 3438 Russell Avenue, St. Louis, Missouri, as a member of the Board of Police Commissioners of the City of St. Louis, Missouri, for a term ending January 1, 1941, and until his successor is duly appointed and qualified; vice, Frank B. Coleman, resigned.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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*TO THE SENATE*

MAY 12, 1939

*From the Journal of the Senate, p. 1367*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

MAY 12, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made during the vacation and

since the present session of the General Assembly, subject to the approval of the Senate:

R. M. Johns, Sedalia, Pettis County, Missouri, as a member of the Board of Regents for the Central Missouri State Teachers' College, Warrensburg, Missouri, for a term ending January 1, 1941, and until his successor is duly appointed and qualified; vice, Daniel Hoefler, deceased.

Col. A. M. Hitch, Boonville, Missouri, as a member of the Board of Regents for the Central Missouri State Teachers' College, Warrensburg, Missouri, for a term ending January 1, 1943, and until his successor is duly appointed and qualified; vice, J. I. Moore, Warrensburg, term expired.

W. F. Woodruff, 816 W. 62nd, Kansas City, Missouri, as a member of the Board of Regents for the Central Missouri State Teachers' College, Warrensburg, Missouri, for a term ending January 1, 1943, and until his successor is duly appointed and qualified; vice, William E. Kemp, resigned.

Judge Max M. Prussing, Camdenton, Missouri, as a member of the Board of Regents for the Central Missouri State Teachers' College, Warrensburg, Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified; vice, C. H. Bothwell, deceased.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE SENATE

MAY 12, 1939

*From the Journal of the Senate, p. 1367*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 12, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Dr. T. C. Oyler, Brookfield, Missouri, as a member of the State Board of Chiropractic Examiners for a term ending January 1, 1942; vice, Dr. J. F. Fontana, term expired.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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*TO THE SENATE*

MAY 12, 1939

*From the Journal of the Senate, p. 1368*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 12, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made during the vacation and since the present session of the General Assembly, subject to the approval of the Senate:

Clarence Evans, Democrat, Paris, Missouri, as a member of the State Tax Commission for a term ending June 17, 1939, and until his successor is duly appointed and qualified; vice, A. J. Murphy, Sr., resigned. I designate Mr. Evans as Chairman of the Commission.

Jack Stapleton, Democrat, Stanberry, Missouri, as a member of the State Tax Commission for a term ending June 17, 1943, and until his successor is duly appointed and qualified; vice, Andy W. Wilcox, resigned.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

MAY 16, 1939

*From the Journal of the Senate, p. 1416*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 16, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Harvey S. Johnson, Brookfield, Missouri, as a member of the Board of Probation and Parole for a term ending September 6, 1941, and until his successor is duly appointed and qualified.

Leslie N. Bledsoe, Kirksville, Missouri, as a member of the Board of Probation and Parole for a term ending September 6, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 16, 1939

*From the Journal of the Senate, p. 1416*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 16, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Roy H. Cherry, Goldsberry, Missouri, as State Inspector of Oils for a term ending August 16, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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*TO THE SENATE*

MAY 17, 1939

*From the Journal of the Senate, p. 1439*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 17, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Andrew J. Murphy, Sr., Louisiana, Missouri, as a member of the Unemployment Compensation Commission of Missouri for a term ending June 17th, 1943, and until his successor is duly appointed and qualified. I designate Mr. Murphy as Chairman of the Commission.

Jess L. Rogers, Kansas City, Jackson County, Missouri, as a member of the Unemployment Compensation Commission of Missouri for a term ending June 17th, 1939, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

**TO THE SENATE**

MAY 17, 1939

*From the Journal of the Senate, p. 1439***EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

May 17, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Paul V. Renz, Tracy, Missouri, as a Commissioner of the Department of Penal Institutions for a term ending August 3, 1941, and until his successor is duly appointed and qualified. I designate Mr. Renz as Commissioner of Farms.

Prior F. Willis, Taskee Station, Missouri, as a Commissioner of the Department of Penal Institutions for a term ending August 3, 1941, and until his successor is duly appointed and qualified; vice, J. M. Sanders, resigned.

Respectfully submitted,

LLOYD C. STARK,

Governor.

**TO THE SENATE**

MAY 17, 1939

*From the Journal of the Senate, p. 1440***EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

May 17, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made during the present session of the General Assembly, subject to the approval of the Senate:

J. W. Buffington, Mexico, Missouri, as Grain and Warehouse Commissioner, for a term ending April 15, 1943 and



until his successor is duly appointed and qualified; vice, C. E. Yancey, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 23, 1939

*From the Journal of the Senate, p. 1543*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 23, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

R. Robert Cohn, 4335 Campbell Street, Kansas City, Missouri, Republican, as a member of the Workmen's Compensation Commission for a term ending November 16, 1942, and until his successor is duly appointed and qualified; vice, Jay J. James, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 23, 1939

*From the Journal of the Senate, p. 1544*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 23, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Burney Fishback, Perry, Ralls County, Missouri, as a member of the Board of Managers for the School for Deaf, Fulton, Missouri, for a term ending February 1, 1941, and until his successor is duly appointed and qualified; vice, DeWitt Masters, deceased.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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*TO THE SENATE*

MAY 23, 1939

*From the Journal of the Senate, p. 1544*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 23, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the names of:

Roy Meade Keller, Sedalia, Pettis County, Missouri, as a member of the State Board of Chiropractic Examiners, for a term ending January 1, 1940, and until his successor is duly appointed and qualified.

L. J. Geers, St. Louis, Missouri, as a member of the State Board of Chiropractic Examiners for a term ending January 1, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

MAY 23, 1939

*From the Journal of the Senate, p. 1544*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 23, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the name of:

Dr. E. Sanborn Smith, Kirksville, Missouri, as a member of the State Board of Health, for a term ending July 1, 1942, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

MAY 23, 1939

*From the Journal of the Senate, p. 1545*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 23, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the name of:

Dr. Homer A. Gorrell, Democrat, Mexico, Audrain County, Missouri, as a member of the Missouri State Board of Osteopathic Registration and Examination, for a term ending May 1, 1944, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

MAY 23, 1939

*From the Journal of the Senate, p. 1545*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 23, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made during the vacation and since the present session of the General Assembly, subject to the approval of the Senate:

Harold J. Moore, Brookfield, Linn County, Missouri, as a member of the Board of Curators of the University of Missouri, for a term ending January 1, 1943, and until his successor is duly appointed and qualified; vice, H. W. Lenox, term expired.

Frank M. McDavid, Springfield, Greene County, Missouri, as a member of the Board of Curators of the University of Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified.

Tom K. Smith, 23 Kingsbury. St. Louis, Missouri, as a member of the Board of Curators of the University of Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified; vice, George C. Willson, term expired.

Respectfully submitted,

LLOYD C. STARK,

Governor.

**TO THE SENATE****MAY 23, 1939***From the Journal of the Senate, p. 1546*

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**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,****May 23, 1939.***To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the name of:

E. C. Crow, Democrat, St. Louis, Missouri, as a member of the Unemployment Compensation Commission of Missouri, for a term ending June 17, 1941, and until his successor is duly appointed and qualified; vice, William L. Patterson.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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**TO THE GENERAL ASSEMBLY****MAY 24, 1939***From the Journal of the Senate, pp. 1599-1600*

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**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,****May 24, 1939.***To the Members of the Sixtieth General Assembly of Missouri:*

A dire crisis with hunger and distress will occur in the next few months in the matter of direct relief to the helpless and needy of Missouri and for aid to dependent children if additional relief funds are not now appropriated above the amount at present set forth in House Bill No. 657.

At this session of the Sixtieth General Assembly, the Social Security Commission made a careful survey and asked

for \$15,516,000.00 for direct relief, and \$6,453,376.00 for aid to dependent children.

Owing to the known shortage of State funds, I reduced the above amounts requested by the Social Security Commission in the Executive Budget to \$9,000,000 and \$5,000,000, respectively, as being the maximum the State could furnish at this session of the Legislature.

If the \$5,000,000 for direct relief for the next biennium provided for in House Bill No. 657 is not increased to approximately \$9,000,000, the result will be that, by the last of this month, (May 31, 1939), there will already have been expended since January 1, 1939, \$2,500,000 and in five more months the \$2,500,000 of the Five Million Dollars appropriated will be exhausted, and a desperate situation as to direct relief and aid to dependent children will arise next Fall and Winter, necessitating the calling of an Extra Session and an increase in taxes.

Therefore additional funds absolutely must be provided at this Session for direct relief and aid to dependent children, if they are to be saved from distress, suffering and starvation.

I know how difficult is the task of this Legislature to provide additional funds for the above mentioned needs but I want to respectfully suggest and strongly recommend a source from which the needed Relief money can be secured without increasing taxes or material ill effect on any State activity.

I recommend that the proposed appropriation of approximately Four Millions of Dollars to be made for support of the State University out of the General Revenue be made instead out of the State School Fund and this additional Four Million Dollars be made available for direct relief and aid to dependent children.

This policy will be in thorough accord with what the Constitution of Missouri requires—the provision creating and setting aside a public school fund for the Public Schools and the State University exclusively and which declares:

“ . . . . so much of the ordinary revenue of the State as may be set apart for that purpose shall be faithfully appropriated for establishing and maintaining the free public schools and the State University in this article provided for and for no other uses and purposes.” (Sec. 5, Art. 11, Constitution of Missouri).

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE GENERAL ASSEMBLY

MAY 25, 1939

*From the Journal of the Senate, pp. 1643-1644*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 25, 1939.

*To the Members of the 60th General Assembly of the State of Missouri, Jefferson City, Missouri.*

I return to you Senate Bill No. 294, entitled:

### AN ACT

“To repeal Sections 4952 and 4953 of Article 7, Chapter 32, Revised Statutes of Missouri, 1929, relating to the procedure to be followed in creating or authorizing preferred stock upon an increase of the capital stock of a private corporation, and to enact five new sections to be known as Sections 4952, 4952a, 4952b, 4952c and 4953 of said Article, prescribing the procedure to be followed, and the matters to be determined by all of the stockholders, in increasing the capital stock of private corporations and making any part of such increase preferred stock, including the requirements as to the statement to be filed with the Secretary of State with respect thereto; prescribing the manner in which, and the extent

to which, the board of directors of a corporation may be authorized to cause preferred stock to be issued from time to time in series and to fix certain of the terms and characteristics of the shares of each such series and the manner in which, and extent to which, such board of directors may act pursuant to such authority; defining the limits within which the shares of a particular series may vary from the shares of any or all other series; prescribing as a prerequisite to the issue of any series of preferred stock a certificate with respect thereto, to be filed with the Secretary of State and otherwise dealt with as in the case of articles of agreement; authorizing redemption and purchase by a corporation of shares of preferred stock issued by it and, under certain conditions and subject to certain restrictions, use of its capital for that purpose; authorizing retirement of shares of stock redeemed or purchased out of surplus; providing for a certificate, to be filed with the Secretary of State and otherwise dealt with as in the case of articles of agreement, with respect to preferred stock redeemed or purchased out of capital or retired and for reduction of the capital of the corporation in the cases of shares redeemed or purchased out of capital and shares retired; defining the status of shared [shares?] redeemed or purchased out of capital and retired shares, if reissuable, and providing for reduction of the authorized stock of the corporation represented by such redeemed, purchased or retired shares if not reissuable; and repealing laws and parts of laws inconsistent with the provisions of this act to the extent of such inconsistency, and declaring this to be a revision bill."

Section 10, Article XII of the Constitution of Missouri provides as follows:

"No corporation shall issue preferred stock without the consent of all the stockholders."

Senate Bill No. 294 amends the present statute for issuing preferred stock by authorizing the board of directors



of a corporation, under certain conditions, to issue preferred stock.

Two years ago I vetoed a similar Bill but it contained some provisions that are eliminated from Senate Bill No. 294.

I have some doubt as to whether or not, under the above quoted provisions of our State Constitution, the Legislature can authorize the board of directors to issue preferred stock. A doubt of the validity of the provisions of the Bill does not, in my judgment, justify me in vetoing Senate Bill No. 294 and therefore I hereby approve same and return it to you.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 26, 1939

*From the Journal of the Senate, p. 1656*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 26, 1939.

*To the Senate of the 60th General Assembly:*

I have approved House Bill 364 passed by the members of this body and the House of Representatives of the 60th General Assembly.

This bill creates a Board of Curators of Lincoln University composed of nine members, thereby repealing the provisions of the old law with respect to the Board of Curators. In view of this fact I desire to withdraw the names of Dr. F. L. McCluer, Mr. W. Wallace Fry, Mr. Cliff Scruggs, Dr. J. Edward Perry and Mr. Frank L. Williams submitted to be members of the Board of Curators of Lincoln University and will submit a complete list of nine members to comprise the new board.

Respectfully,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

MAY 26, 1939

*From the Journal of the Senate, p. 1656*

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**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

May 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made during the present session of the General Assembly, subject to the approval of the Senate:

Mrs. Samuel W. Fordyce, Graham and Hazelwood Roads, Berkeley, St. Louis County, Missouri, as a member of the Board of Trustees of the Confederate Home at Higginsville, Missouri, for a term ending December 1, 1941, and until her successor is duly appointed and qualified; vice, Mrs. Chas. B. Faris, deceased.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 26, 1939

*From the Journal of the Senate, p. 1657*

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**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

May 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Roy D. Williams, Boonville, Missouri, as a member of the Board of Trustees of the Confederate Home at Higginsville, Missouri, for a term ending December 1, 1941, and until his successor is duly appointed and qualified.

Mrs. John D. Taylor, Keytesville, Missouri, as a member of the Board of Trustees of the Confederate Home of Missouri, Higginsville, Missouri, for a term ending December 1, 1941, and until her successor is duly appointed and qualified.

Mrs. L. D. Murrell, Marshall, Missouri, as a member of the Board of Trustees of the Confederate Home of Higginsville, Missouri, for a term ending December 1, 1939, and until her successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE SENATE

MAY 26, 1939

*From the Journal of the Senate, p. 1657*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Charles L. Woods, Rolla, Phelps County, Missouri, Democrat, as a member of the Board of Managers of the State Federal Soldiers' Home of Missouri at St. James, Missouri, for a term ending February 1, 1943, and until his successor is duly appointed and qualified.

T. E. Ruffing, Desloge, St. Francois County, Missouri, Democrat, as a member of the Board of Managers of the State Federal Soldiers' Home of Missouri at St. James, Mis-

souri, for a term ending February 1, 1943, and until his successor is duly appointed and qualified.

Wilson Bell, Potosi, Washington County, Missouri, Democrat, as a member of the Board of Managers of the State Federal Soldiers' Home of Missouri at St. James, Missouri, for a term ending February 1, 1943, and until his successor is duly appointed and qualified; vice, E. E. Lyles, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 26, 1939

*From the Journal of the Senate, p. 1658*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made during the present session of the General Assembly, subject to the approval of the Senate:

Orville Zimmerman, Kennett, Missouri, as a member of the Board of Regents of the Southeast State Teachers College, No. 3, Cape Girardeau, Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified.

I. R. Kelso, Cape Girardeau, Missouri, as a member of the Board of Regents of the Southeast Teachers College, No. 3, Cape Girardeau, Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified; vice, Geo. Munger, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

MAY 26, 1939

*From the Journal of the Senate, p. 1658*

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**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

May 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the names of:

T. J. McWay, 219 Cedar, Webster Groves, St. Louis County, Missouri, as a member of the State Board of Optometry, for a term ending June 30, 1941, and until his successor is duly appointed and qualified; vice, F. J. Guibault, term expired.

Newton R. Hatfield, Edina, Knox County, Missouri, as a member of the State Board of Optometry, for a term ending June 30, 1943, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

MAY 26, 1939

*From the Journal of the Senate, pp. 1658-1659*

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**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

May 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your advice and consent the following appointments to office:

Miss Ruth Story, Kirksville, Missouri, as a member of the Board of Nurse Examiners, for a term ending June 1, 1942, and until her successor is duly appointed and qualified.

Sister M. Geraldine Kulleck, St. Marys Hospital, St. Louis, Missouri, as a member of the Board of Nurse Examiners, for a term ending June 1, 1940, and until her successor is duly appointed and qualified; vice, Sister Mary Giles Phillips, resigned.

Mabel Kehoe, Lutheran Hospital, St. Louis, Missouri, as a member of the Board of Nurse Examiners, for a term ending June 1, 1940, and until her successor is duly appointed and qualified.

Miss Clara Louise Hilligass, 902 University Avenue, Columbia, Missouri, as a member of the Board of Nurse Examiners, for a term ending June 1, 1941, and until her successor is duly appointed and qualified; vice, Eleanor Keely, term expired.

Dr. Chas. E. Hyndman, 314 Chemical Building, St. Louis, Missouri, as a member of the Board of Nurse Examiners, for a term ending June 1, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE SENATE

MAY 26, 1939

*From the Journal of the Senate, pp. 1659-1660*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

MAY 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your advice and consent the following appointments to office:

Fielding Stapleton, Albany, Gentry County, Missouri, as a member of the Board of Regents of the Northwest State Teachers College, No. 5, Maryville, Missouri, for a term

ending February 1, 1941, and until his successor is duly appointed and qualified; vice, Jack Stapleton, resigned.

Richard L. Douglas, St. Joseph, Buchanan County, Missouri, as a member of the Board of Regents of the Northwest State Teachers College, No. 5, Maryville, Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified.

Walker LaBrunerie, St. Joseph, Buchanan County, Missouri, as a member of the Board of Regents of the Northwest State Teachers College, No. 5, Maryville, Missouri, for a term ending January 1, 1943, and until his successor is duly appointed and qualified; vice, Dr. John M. Perry, expired.

Fred M. Harrison, Gallatin, Daviess County, Missouri, as a member of the Board of Regents of the Northwest State Teachers College, No. 5, Maryville, Missouri, for a term ending January 1, 1943, and until his successor is duly appointed and qualified; vice, A. T. Weatherby, term expired.

Edmund McWilliams, Plattsburg, Clinton County, Missouri, as a member of the Board of Regents of the Northwest State Teachers College, No. 5, Maryville, Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE SENATE

MAY 26, 1939

*From the Journal of the Senate, p. 1660*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

MAY 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made during the present

session of the General Assembly, subject to the approval of the Senate:

Lon S. Haymes, Springfield, Missouri, as a member of the Board of Regents of the Southwest State Teachers College, No. 4, Springfield, Missouri, for a term ending January 1, 1943, and until his successor is duly appointed and qualified; vice, Grover C. James, deceased.

B. Frank Julian, Marshfield, Missouri, as a member of the Board of Regents of the Southwest State Teachers College, No. 4, Springfield, Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified.

Ralph E. Burley, Lebanon, Missouri, as a member of the Board of Regents of the Southwest State Teachers College, No. 4, Springfield, Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified; vice, V. A. Dobyms, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE SENATE

MAY 26, 1939

*From the Journal of the Senate, pp. 1660-1661*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 26, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your advice and consent the following appointments to office:

Dr. George W. Gay, Ironton, Iron County, Missouri, as a member of the Missouri State Board of Health, for a term ending July 1, 1942, and until his successor is duly appointed and qualified; vice, Dr. W. L. Brandon, resigned.



Dr. John Aull, 6544 Summit Street, Kansas City, Missouri, as a member of the Missouri State Board of Health, for a term ending July 1, 1942, and until his successor is duly appointed and qualified; vice, Dr. T. S. Bourke.

Dr. Wm. Moore West, Monett, Barry County, Missouri, as a member of the Missouri State Board of Health, for a term ending April 18, 1941, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE SENATE

MAY 29, 1939

*From the Journal of the Senate, p. 1656*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 29, 1939.

*To the Senate of the 60th General Assembly:*

Inadvertently there was sent to the Senate for confirmation, the name of Homer A. Gorrell as a member of the Osteopathic Board.

Since the members of this board do not require Senate confirmation, I desire to withdraw the name of Homer A. Gorrell from the Senate confirmation records.

Sincerely yours,

LLOYD C. STARK,  
Governor.

**TO THE GENERAL ASSEMBLY****MAY 31, 1939***From the Journal of the House of Representatives, pp. 1534-1536***EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,****May 31, 1939.**

*To the Members of the 60th General Assembly, Jefferson City, Missouri.*

I return to you House Bill No. 677, entitled:

**AN ACT**

"To amend an act of the Fifty Seventh General Assembly appearing in Laws of Missouri, General Session, 1933, pages 425 to 449, inclusive entitled 'AN ACT to repeal Sections 9945, 9949, 9950, 9951, 9959, and 9969, Article 9, Chapter 59, of the Revised Statutes of Missouri, 1929, entitled "Taxation and Revenue," and relating to "Delinquent and Back Taxes," and to enact six new sections in lieu thereof, to be known as sections 9945, 9949, 9950, 9951, 9959, and 9969, pertaining to the same subject; also to repeal sections 9952, 9953, 9954, 9955, 9956, 9957, 9958, 9960, 9962, and 9963, of the same Article and Chapter relating to "Enforcement of payment of Taxes by Suit, etc.," and to enact fifty-one new sections in lieu thereof to be known as sections 9952, 9952a, 9952b, 9952c, 9952d, 9953, 9953a, 9953b, 9953c, 9953d, 9954, 9954a, 9954b, 9954c, 9954d, 9955, 9955a, 9955b, 9955c, 9955d, 9956, 9956a, 9956b, 9956c, 9956d, 9957, 9957a, 9957b, 9957c, 9957d, 9958, 9958a, 9958b, 9958c, 9958d, 9960, 9960a, 9960b, 9960c, 9960d, 9962, 9962a, 9962b, 9962c, 9962d, 9963, 9963a, 9963b, 9963c, 9963d and 9963e, pertaining to the same subject; providing for foreclosure of tax liens on real estate for delinquent and unpaid taxes by annual publication and sale thereof by the county collector after delinquency, authorizing the issuance of certificates of purchase at said sale, the recording of same in the collector's

office, granting a period of redemption of the lands sold, to the owners or other parties having an interest therein, within a period of two years after the date of said sale, the issuance of certificates of redemption of said lands, the execution of tax deeds by the county collector after the redemption period, etc.; defining certain terms, and prescribing certain duties for certain officials: Prescribing certain penalties for failing to pay taxes before delinquency, prescribing certain penalties for dereliction of duty of certain officials; fixing the fees of certain officials for performing certain duties and services in relation hereto, including commissions on the collection of delinquent real estate taxes, to be paid by the delinquent owner thereof; providing for charging personal property tax, except as to homesteads and other persons whose rights attached in the real estate before the charging of the personal property tax against same by the collector; providing for a lien on any insurance money covering permanent buildings and or improvements destroyed by fire, windstorm or tornado situate on real estate against which there are taxes due and unpaid or levied and assessed; making certain provisions for carrying into effect the provisions of this act,' approved April 7th, 1933, by enacting eighteen new sections to be known as Sections 9952A-1, 9952A-2, 9952A-3, 9952A-4, 9952A-5, 9952A-6, 9952A-7, 9952A-8, 9952A-9, 9952A-10, 9952A-11, 9952A-12, 9952A-13, 9952A-14, 9952A-15, 9952A-16, 9952A-17, 9952A-18, relating to the same subject matter and applying to counties and cities not within a county which may now have or may hereafter have a population in excess of 700,000 inhabitants and to counties which now have or may hereafter have not less than 200,000 and not more than 400,000 inhabitants, and repealing all conflicting acts and parts of acts with an emergency clause and declaring this to be a revision bill."

House Bill No. 677 is limited in its operation to St. Louis City and St. Louis County.

The bill carries some provisions designed to remove objectionable features of the old tax law, operative prior to

the enactment in 1933 of what is known as the Jones-Munger Tax Delinquency Statutes.

For instance this Bill provides that after a judgment for delinquent taxes is rendered, no sale of the property can occur for two years from date of the judgment, and any time within that period the property may be redeemed by the owner by paying the taxes and interest and costs.

Another provision is that if judgment is rendered for delinquent taxes, the Court shall appoint two appraisers to value the property and if the property, when sold, does not bring in excess of fifty per cent of the appraised value, the sale shall not be confirmed by the Court.

If the amount bid is less than fifty per cent of appraised value, and the title which would be acquired by the purchaser is subject to other taxes which are a lien superior to the lien of the taxes for which the judgment was rendered and the combined amount of such prior liens and the amount bid by the purchaser shall exceed fifty per cent of the appraised value of the property, the Court shall confirm the sale. If the amount bid together with prior tax liens shall be less than fifty per cent of the appraised value, the Court may require the purchaser to increase the bid to an amount equal to fifty per cent of the property value, otherwise the Court shall not approve the sale.

I have some doubt as to whether or not this Bill is constitutional under that clause in our State Constitution declaring no local or special statute shall be enacted where a general law could be made applicable. But the Bill is not so clearly legally unconstitutional under the section of the State Constitution mentioned as to justify me in vetoing the measure on that ground.

From all reports, I am led to believe the Jones-Munger Delinquent Tax Law is operating reasonably satisfactorily in the rural districts.

There are complaints about the effectiveness of the Jones-Munger Act in some of the cities of the State.

I am willing to allow St. Louis City and St. Louis County to have a trial of this Delinquent Tax Bill as applied

to St. Louis City and St. Louis County although there are certain features of House Bill No. 677, relating to costs and fees to be taxed against the delinquent taxpayer which I do not favor.

I hereby approve House Bill No. 677.

Respectfully submitted,

LLOYD C. STARK,

Governor.

---

*TO THE SENATE*

JUNE 12, 1939

*From the Journal of the Senate, p. 1886*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 12, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your advice and consent, the following appointment to office:

Grover C. Clevenger, Vibbard, Ray County, Missouri, as a Commissioner of the Department of Penal Institutions, for a term ending August 3, 1941, and until his successor is duly appointed and qualified; vice, James E. Matthews. I designate Mr. Clevenger as Director of Penal Institutions.

Respectfully submitted,

LLOYD C. STARK,

Governor.

**TO THE SENATE**

JUNE 12, 1939

*From the Journal of the Senate, p. 1886*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 12, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dr. John Bull, Hannibal, Marion County, Missouri, as a member of the State Board of Chiropractic Examiners, for a term ending January 1, 1942, and until his successor is duly appointed and qualified; vice, Dr. L. H. Trotter, term expired.

Respectfully submitted,

LLOYD C. STARK,

Governor.

---

**TO THE SENATE**

JUNE 12, 1939

*From the Journal of the Senate, p. 1886*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 12, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Frank O. Murphy, Sedalia, Missouri, as a member of the State Board of Optometry, for a term ending June 30, 1942, and until his successor is duly appointed and qualified; vice, Louis Megede, deceased.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

JUNE 12, 1939

*From the Journal of the Senate, p. 1887*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 12, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your advice and consent, the following appointments to office:

Dr. F. L. McCluer, Fulton, Missouri, Democrat, as a member of the Board of Curators of Lincoln University, for a term ending January 1, 1946, and until his successor is duly appointed and qualified.

W. Wallace Fry, Mexico, Missouri, Democrat, as a member of the Board of Curators of Lincoln University, for a term ending January 1, 1946, and until his successor is duly appointed and qualified.

Cliff Scruggs, Jefferson City, Missouri, Democrat, as a member of the Board of Curators of Lincoln University, for a term ending January 1, 1946, and until his successor is duly appointed and qualified.

C. C. Hubbard, Sedalia, Missouri, Republican, as a member of the Board of Curators of Lincoln University, for a term ending January 1, 1944, and until his successor is duly appointed and qualified.

Harry I. Himmelberger, Cape Girardeau, Missouri, Republican, as a member of the Board of Curators of Lincoln University, for a term ending January 1, 1944, and until his successor is duly appointed and qualified.

Benjamin F. Boyer, 5424 Main, Kansas City, Missouri, Republican, as a member of the Board of Curators of Lincoln University, for a term ending January 1, 1944, and until his successor is duly appointed and qualified.

Ethel Bowles, St. Louis, Missouri, Democrat, as a member of the Board of Curators of Lincoln University, for a

term ending January 1, 1942, and until her successor is duly appointed and qualified.

Dr. J. Edward Perry, 2451 Montgall, Kansas City, Missouri, Republican, as a member of the Board of Curators of Lincoln University, for a term ending January 1, 1942, and until his successor is duly appointed and qualified.

Frank L. Williams, 3026 Laclede, St. Louis, Missouri, Democrat, as a member of the Board of Curators of Lincoln University, for a term ending January 1, 1942, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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### TO THE SENATE

JUNE 17, 1939

*From the Journal of the Senate, p. 1973*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 17, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith, for your advice and consent the following appointment to office:

Clarence Evans, Paris, Monroe County, as Chairman of the State Tax Commission, for a term ending June 17, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.



**TO THE SENATE**

JUNE 17, 1939

*From the Journal of the Senate, p. 1973*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

June 17, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to submit to you herewith, the following appointment to office made during the present session of the general assembly, subject to the approval of the Senate:

Harry P. Drisler, Slater, Saline County, Missouri, as a member of the Unemployment Compensation Commission, for a term ending June 17th, 1945, and until his successor is duly appointed and qualified, vice Jess Lee Rogers, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

**TO THE SENATE**

JUNE 22, 1939

*From the Journal of the Senate, p. 2097*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

June 22, 1939.

*To the Senate of the 60th General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your advice and consent, the following appointment to office, to take effect July 3, 1939:

Earl Shackelford, Hannibal, Mo., as Commissioner of Labor, for a term ending July 3, 1943, and until his successor is duly appointed and qualified, vice, Mary Edna Cruzen, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 12*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Edgar Shook, 1009 West 57th Terrace, Kansas City, Missouri, as a member of the Board of Police Commissioners for Kansas City, Missouri, for a term ending July 8, 1943, and until his successor is duly appointed and qualified.

F. P. Logan, Jr., Bryant Building, Kansas City, Missouri, as a member of the Board of Police Commissioners of Kansas City, Missouri, for a term ending July 8, 1942, and until his successor is duly appointed and qualified; vice, Russell F. Greiner, resigned.

George Fiske, 627 Greenway Terrace, Kansas City, Missouri, as a member of the Board of Police Commissioners for Kansas City, Missouri, for a term ending July 8, 1941, and until his successor is duly appointed and qualified.

Milton B. Schweiger, 608 East 65th Street, Kansas City, Missouri, as a member of the Board of Police Commissioners for Kansas City, Missouri, for a term ending July 8, 1944, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 13*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

C. R. Noel, Paris, Missouri, as Supervisor of Liquor Control, effective February 1, 1940, for a term ending at the pleasure of the Governor; vice, Walker Pierce, resigned.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 13*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Dr. J. Allen Selvidge, Poplar Bluff, Missouri, as a member of the Missouri State Board of Optometry, for a term ending June 30th, 1943, and until his successor is

duly appointed and qualified; vice, Dr. N. R. Hatfield, resigned.

Dr. J. Max Daniel, 5437 Michigan, Kansas City, Missouri, as a member of the Missouri State Board of Optometry, for a term ending June 30th, 1944, and until his successor is duly appointed and qualified; vice, Dr. Geo. J. Skipton, term expired.

Respectfully submitted,

LLOYD C. STARK,

Governor.

---

### TO THE SENATE

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 13*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Ralph A. Huscher, Higginsville, Missouri, as a member of the Board of Regents for the Central Missouri State Teachers' College, Warrensburg, Missouri, for a term ending January 1, 1941, and until his successor is duly appointed and qualified; vice, Daniel Hofer, deceased.

Respectfully submitted,

LLOYD C. STARK,

Governor.

**TO THE SENATE**

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 14*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Roy Quinn, Moberly, Missouri, as a member of the Board of Regents for Northeast Missouri State Teachers College, Kirksville, Missouri, for a term ending February 1, 1941, and until his successor is duly appointed and qualified; vice, Lionel Davis, deceased.

Respectfully submitted,

LLOYD C. STARK,

Governor.

---

**TO THE SENATE**

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 14*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Wallace Crossley, Warrensburg, Missouri, as a member of the State Social Security Commission for a term ending June 30, 1943, and until his successor is duly appointed and qualified.

John T. Harding, 3715 Belleview, Kansas City, Missouri, as a member of the Social Security Commission for a term ending July 1, 1941, and until his successor is duly appointed and qualified; vice, Nick T. Cave, resigned. I designate Mr. Harding as Chairman of the Commission.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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### TO THE SENATE

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 14*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Richard Johnson, 2420 St. Joseph Avenue, St. Joseph, Missouri, as a member of the Board of Police Commissioners for the City of St. Joseph, Missouri, for a term ending April 28, 1943, and until his successor is duly elected and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

**TO THE SENATE**

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 15*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

James Denneny, Fayette, Missouri, as a member of the State Board of Pharmacy for a term ending August 16, 1943, and until his successor is duly appointed and qualified; vice, W. H. Ellis, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

**TO THE SENATE**

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 15*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Royal D. M. Bauer, Columbia, Missouri, as a member of the Board of Accountancy for a term ending September 14, 1944, and until his successor is duly appointed and qualified; vice, Miller Bailey, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 15*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Henry C. Salveter, Sedalia, Missouri, as a member of the Board of Managers of the Missouri School for the Deaf, Fulton, Missouri, for a term ending February 1, 1943; vice, James Denny.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 16*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Tom R. R. Ely, 378 North Taylor, St. Louis, Missouri, as a member of the Board of Probation and Parole, for a term ending September 6, 1941, and until his successor



is duly appointed and qualified; vice, Leslie N. Bledsoe, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 16*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

John J. Griffin, Mayfair Hotel, St. Louis, Missouri, as a member of the Athletic Commission for a term ending at the pleasure of the Governor; vice, Russell Murphy, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 16*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

J. W. Barrett, 5909 Main Street, Kansas City, Missouri, as a member of the State Board of Barber Examiners for a term ending May 4, 1941, and until his successor is duly appointed and qualified; vice, J. F. Davis.

Respectfully submitted,

LLOYD C. STARK,

Governor.

---

*TO THE SENATE*

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 17*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Harry E. Booth, Lexington, Missouri, as a member of the Board of Trustees of the Confederate Home at Higginsville, Missouri, for a term ending December 1, 1941, and until his successor is duly appointed and qualified; vice, Roy D. Williams, resigned.

Respectfully submitted,

LLOYD C. STARK,

Governor.

**TO THE SENATE**

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 17*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Martin Lewis, 216 S. Arch Street, Hannibal, Missouri, Republican, as a member of the Board of Curators of Lincoln University for a term ending January 1, 1942 and until his successor is duly appointed and qualified; vice, Mrs. Ethel Bowles, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

**TO THE SENATE**

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 17*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

H. G. Simpson, Charleston, Mississippi County, Missouri, as a member of the State Highway Commission for a term ending December 1, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 18*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Dr. Clyde Cleveland, Brookfield, Missouri, as a member of the Board of Fruit Experiment Station, for a term ending November 15, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

JULY 25, 1940

*From the Journal of the Senate, Extra Session, p. 18*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 25, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Charles M. Hay, Democrat, 9 Windermere Place, St. Louis, Missouri, as a member of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending January 15, 1941, and until his successor is

duly appointed and qualified; vice, William H. Woodward, deceased. I designate Mr. Hay as Chairman of the Board.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE SENATE

JULY 26, 1940

*From the Journal of the Senate, Extra Session, p. 22*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 26, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Dr. Alois A. Winterer, 202 No. 7th, St. Louis, Missouri, as a member of the Board of Optometry for a term ending June 30, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

### TO THE SENATE

JULY 26, 1940

*From the Journal of the Senate, Extra Session, p. 22*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 26, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

W. R. Painter, Carrollton, Missouri, as a member of the Board of Managers, State Eleemosynary Institutions, for a term ending June 19th, 1944, and until his successor is duly appointed and qualified.

W. Ed. Jameson, Fulton, Missouri, as a member of the Board of Managers, State Eleemosynary Institutions, for a term ending June 19th, 1944, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

---

*TO THE SENATE*

JULY 26, 1940

*From the Journal of the Senate, Extra Session, p. 22*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 26, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Edwin J. Stark, Louisiana, Missouri, as a member of the Board of Trustees, Fruit Experiment Station, for a term ending November 15th, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

JULY 26, 1940

*From the Journal of the Senate, Extra Session, p. 23*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

July 26, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Paul G. Koontz, Democrat, 800 West 60th Terrace, Kansas City, Missouri, as a member of the Board of Election Commissioners for Kansas City, Missouri, for a term ending January 15, 1941, and until his successor is duly appointed and qualified; vice, Edgar Shook, resigned.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

JULY 26, 1940

*From the Journal of the Senate, Extra Session, p. 23*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

July 26, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Mabel Kehoe, Lutheran Hospital, St. Louis, Missouri, as a member of the Board of Nurse Examiners for a term end-

ing June 1, 1943, and until her successor is duly appointed and qualified.

Sister M. Geraldine Kulleck, St. Mary's Hospital, St. Louis, Missouri, as a member of the Board of Nurse Examiners for a term ending June 1, 1943, and until her successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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### TO THE SENATE

JULY 26, 1940

*From the Journal of the Senate, Extra Session, pp. 23-24*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 26, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Allen T. Broughton, Scarritt Building, Kansas City, Missouri, as a member of the Board of Trustees of the Confederate Home of Higginsville, Missouri, for a term ending December 1, 1943, and until his successor is duly appointed and qualified.

Mrs. L. D. Murrell, Marshall, Missouri, as a member of the Board of Trustees of the Confederate Home of Higginsville, Missouri, for a term ending December 1, 1943, and until her successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.



*TO THE SENATE*

JULY 26, 1940

*From the Journal of the Senate, Extra Session, p. 24*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 26, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Monte C. Coulter, Boonville, Missouri, as State Service Officer for a term ending September 14, 1943, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

JULY 26, 1940

*From the Journal of the Senate, Extra Session, p. 24*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 26, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Dr. Roy Meade Keller, Sedalia, Missouri, as a member of the State Board of Chiropractors for a term ending January 1, 1943, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

**TO THE SENATE**

JULY 26, 1940

*From the Journal of the Senate, Extra Session, pp. 24-25*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

July 26, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

William T. Nardin, 6253 Westminster, St. Louis, Missouri, as a member of the Social Security Commission for a term ending June 30, 1944, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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**TO THE SENATE**

JULY 26, 1940

*From the Journal of the Senate, Extra Session, p. 25*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

July 26, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Perry Clark, Chillicothe, Missouri, as a member of the Board of Pharmacy for a term ending August 16, 1944, and until his successor is duly appointed and qualified.

Wm. H. Harper, 7378 Hazel, Maplewood, Missouri, as a member of the Board of Pharmacy for a term ending July 2, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

JULY 27, 1940

*From the Journal of the Senate, Extra Session, p. 29*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 27, 1940.

*To the Senate of the 60th General Assembly in Extra Session*

I desire to hereby withdraw from your consideration the name of Edwin J. Stark for appointment as a member of the Board of Trustees of the Fruit Experiment Station.

Respectfully,  
LLOYD C. STARK,  
Governor.

---

*TO THE SENATE*

JULY 27, 1940

*From the Journal of the Senate, Extra Session, p. 30*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 27, 1940.

*To the Senate of the 60th General Assembly in Extra Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Frank D. Connett, Faucett, Missouri, as a member of the Board of Trustees, Fruit Experiment Station, for a term ending November 15th, 1945, and until his successor is duly appointed and qualified; vice, Edwin J. Stark, term expired.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE GENERAL ASSEMBLY*

JULY 27, 1940

*From the Journal of the Senate, Extra Session, pp. 32-33*

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EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 27, 1940.

*To the Sixtieth General Assembly Convened in Extraordinary Session:*

The addition of the 65-year old pensioners to the State Old Age Pension rolls subsequent to the adjournment of the General Assembly in July, 1939, made it necessary to reduce the monthly payments to individual pensioners. If possible, the payments to pensioners should be increased to the amount paid before reduction thereof, or higher, if possible.

In view of the foregoing facts, I invite your attention to the resolution attached hereto looking to increases in the payments to old age pensioners and respectfully and earnestly request you to consider and adopt said resolution or a similar one.

Very respectfully,  
LLOYD C. STARK,  
Governor.

CONCURRENT RESOLUTION

Whereas, The General Assembly of Missouri of 1939 did not appropriate a sufficient amount of money for payment of monthly old age pensions upon the basis of \$20.00 per month

average, after the 65-year-old pensioners were subsequently added to the old age pension rolls;

And, Whereas, There is in the neighborhood of \$2,000,-000 of impounded insurance funds which on account of conditions surrounding same, may become the property of the State of Missouri and available possibly for appropriation by the General Assembly;

Now, Therefore, be it Resolved, That the Attorney General is hereby requested to furnish immediately to the Governor of the State of Missouri a full statement of the condition of these funds and whether or not there is any reasonable likelihood that said funds if becoming a property of the State could be made available immediately for payment of old age pensions;

Be it Further Resolved, That if the Attorney General's report shows these funds could be made available at once by appropriation by the General Assembly, to increase the old age pensions to the basis in effect before the 65-year-old group was added to the rolls (and higher if possible), and which additions occurred subsequent to the adjournment of the General Assembly in July, 1939, then the Governor is requested to immediately convene the General Assembly in special session to enact necessary legislation to make said increased old age pension payments.

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### TO THE GENERAL ASSEMBLY

JANUARY 9, 1941

*From the Appendix to the Journals of the General Assembly, Vol. II, 1941*

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STATE OF MISSOURI, OFFICE OF THE GOVERNOR, JEFFERSON CITY,

January 9, 1941.

*To the Members of the Sixty-first General Assembly:*

Pursuant to a constitutional provision, and the law establishing an Executive Budget, I present herewith the budget recommendations for the biennium 1941-1942.

Section 7 of the 1933 law establishing the Executive Budget provides for: "A budget message outlining the fiscal policy of the state for the biennium and describing the important features of the budget plan; giving a summary of the budget setting forth aggregate figures of proposed revenues and expenditures and the balanced relations between the proposed revenues and expenditures and the total expected income and other means of financing the budget compared with the corresponding figures for the preceding biennium; including explanatory schedules classifying proposed expenditures by organization units, objects and funds."

A condensed summary of the departmental requests and budget recommendations for the biennium 1941-1942, together with the corresponding appropriations for the biennium 1939-1940, is submitted below.

	Appropriations 1939-1940	Departmental Requests 1941-1942	Budget Recommendations 1941-1942
General Revenue Fund (exclusive of allotment to State School Moneys Fund).....	\$63,244,463	\$87,071,021	\$66,502,402
Highway Funds.....	69,925,291	70,978,184	70,847,884
Public School Moneys Fund (specific appro- priations from fund al- lotted from General Revenue Fund).....	643,044	688,260	688,260
Other State Funds.....	22,596,692	22,513,207	22,156,466
Federal Funds... ..	47,754,167	66,701,437	59,517,625
	<b>\$204,163,657</b>	<b>\$247,952,109</b>	<b>\$219,712,637</b>

	Appropriations 1939-1940	Departmental Requests 1941-1942	Budget Recommendations 1941-1942
<i>Deduct</i>			
Specific appropriations from State Public School Moneys Fund (as above) .....	643,044	688,260	688,260
	\$203,520,613	\$247,263,849	\$219,024,377
<i>Add</i>			
Portion of General Revenue Fund allocated to Public School Moneys Fund (actual for 1939- 40; estimated for 1941- 42) .....	27,870,868	.....	27,981,720
	\$231,391,481	.....	\$247,006,097

In the following paragraph there are presented comments relative to the more important phases of the Executive Budget for the biennium 1941-1942.

#### GENERAL REVENUE FUND

An estimate of the funds anticipated to be available for General Revenue purposes for the biennium 1941-1942 is set forth in condensed form in the following schedule.

BALANCE IN GENERAL REVENUE FUND—December 31, 1940 As shown by the general books of the State Auditor .....		\$54,002
ANTICIPATED RECEIPTS— 1941-1942		
Ordinary revenue .....	\$93,272,400	
Other receipts and transfers .....	1,144,700	
	<u>\$94,417,100</u>	

<i>Deduct</i>		
Allocation of portion of Ordinary Revenue to State Public School Moneys Fund.. . . . .	27,981,720	
Balance of receipts available for General Revenue purposes....		66,435,380
ESTIMATED AVAILABLE GENERAL REVENUE FUNDS—		
TOTAL FOR 1941-1942.....		\$66,489,382

In addition to the cash balance of \$54,002 shown by the general books of the State Auditor as of December 31, 1940, there was still on deposit in the collection bank account maintained by the State Auditor for the purpose of clearing Sales Tax remittances a cash balance estimated to exceed \$1,200,000. The estimate of receipts for the biennium 1941-1942 has been adjusted to provide for the prompt deposit of Sales Tax collections in the State Treasury and is predicated upon the reduction of the balance in the Sales Tax collection bank account to a more reasonable figure.

The forecast of receipts into the General Revenue Fund for the biennium 1941-1942 is set forth in detail, according to the respective sources of revenue, separately estimated for 1941 and for 1942, in schedules submitted hereinafter.

The allocation from the General Revenue Fund to the State Public School Moneys Fund, which is subject to apportionment among the Free Public Schools of the State, has for prior bienniums represented 33½ Per Cent of the Ordinary Revenue receipts.

In the preparation of the budget recommendations for the biennium 1941-1942, it has been our purpose to recommend that there be no reduction, in relation to the biennium 1939-1940, in the aggregate amount of money set aside from the General Revenue Fund for the Free Public Schools of the State. Accordingly, the recommended allocation to the Free Public Schools, based on the estimated Ordinary



Revenue receipts for 1941-1942, is \$27,981,720. This recommended sum compares with \$27,870,868 actually set aside for this purpose during the biennium 1939-1940, or a recommended increase for schools of \$110,852.

By reason of the anticipated increase in General Revenue receipts, based on a continued improvement in general business conditions and other factors, the recommended sum hereby to be appropriated for the Free Public Schools represents 30 Per Cent of the estimated Ordinary State Revenue receipts, and exceeds by \$110,852 the previous 1939-40 School Allotments.

The total estimated available General Revenue funds for 1941-1942, amounting to \$66,489,382, after the allocation to the State Public School Moneys Fund, compares with recommended appropriations aggregating \$66,502,402, a total substantially within the limits of anticipated available funds.

The major single problem in allocating the available General Revenue Funds to the needs of the many services of our State government supported from the General Revenue Fund is that of financing properly our expanding program of Social Security, which includes Old Age Assistance, Aid to Dependent Children, Direct Relief, and other forms of public assistance. In considering this problem, I have endeavored to recommend for the Social Security program the maximum amount of State Funds consistent with the limitation of available funds and a balanced relationship between the various forms of public assistance, and the administrative effort required to safeguard adequately the public assistance expenditures.

The recommendations for appropriations from State Funds for the Social Security program are summarized below in conjunction with the requests of the Social Security Commission for the biennium 1941-1942 and the corresponding appropriations for the biennium 1939-1940.

	Appropriations 1939-1940	Commission Requests 1941-1942	Budget Recommendations 1941-1942
Old age assistance . . . .	\$17,500,000	\$25,981,068	\$21,680,000
Aid to dependent children.	3,250,000	7,165,694	4,500,000
Aid or relief in case of public calamity . . . . .	8,000,000	7,320,000	7,320,000
Administration . . . . .	2,500,000	4,638,068	3,500,000
	<b>\$31,250,000</b>	<b>\$45,104,830</b>	<b>\$37,000,000</b>

The foregoing recommended total of \$37,000,000 for Social Security purposes requires that appropriation for other purposes (except schools) from the General Revenue Fund be substantially reduced, in relation to 1939-1940, in order that total appropriations may be within the limits of anticipated revenues.

The following schedule shows a separation of General Revenue appropriations as between the Social Security program and all other General Revenue purposes.

	Appropriations 1939-1940	Departmental Requests 1941-1942	Budget Recommendations 1941-1942
<b>Total appropriations from General Revenue Fund (exclusive of allotment to State Public School Moneys Fund) . . . .</b>	<b>\$63,244,463</b>	<b>\$87,071,021</b>	<b>\$66,502,402</b>
<i>Deduct</i> <b>Social security program.</b>	<b>31,250,000</b>	<b>45,104,830</b>	<b>37,000,000</b>
<b>Balance for other General Revenue purposes. . . . .</b>	<b>\$31,994,463</b>	<b>\$41,966,191</b>	<b>\$29,502,402</b>

As noted above, the totals set forth in the above table exclude the \$27,981,720 allotment for 1941-1942 from the General Revenue Fund to the State Public School Moneys Fund. In order to afford a basis for classifying in condensed form the principal purposes and objects of General Revenue appropriations, the following summary is presented indicating the aggregate appropriations from the General Revenue Fund, including the allotment for the Free Public Schools.

	Appropriations 1939-1940	Budget Recommendations 1941-1942
Appropriations from the General Revenue Fund:		
Total exclusive of allotment to State Public School Moneys Fund.....	\$63,244,463	\$66,502,402
Allotment to State Public School Moneys Fund (actual for 1939-40; estimated for 1941-42). . .	27,870,868	27,981,720
	<b>\$91,115,331</b>	<b>\$94,484,122</b>

The following table has been prepared to show a classification of the principal purposes or objects of appropriations from the General Revenue Fund, reflecting the budget recommendations for 1941-1942 in comparison with the corresponding appropriations for 1939-1940.

	Appropriations 1939-1940	Budget Recommendations 1941-1942
<b>SOCIAL SECURITY PURPOSES</b>		
Total from General Revenue Fund	\$31,250,000	\$37,000,000
<b>EDUCATIONAL PURPOSES</b>		
Allotment for free public schools . .	27,870,868	27,981,720

	Appropriations 1939-1940	Budget Recommendations 1941-1942
State Educational Department:		
General.....	289,800	277,000
Vocational rehabilitation ....	90,500	89,000
High school building aid.....	60,000	60,000
Teacher-training courses—cities..	300,000	300,000
County superintendent of schools pay.....	91,200	91,200
Education institutions . . . .	9,030,132	8,709,600
	<b>\$37,732,500</b>	<b>\$37,508,520</b>
<b>ELEEMOSYNARY, HOSPITALS, AND HEALTH PURPOSES</b>		
Eleemosynary institutions and costs.. . . . .	<b>\$5,631,943</b>	<b>\$5,304,170</b>
Commission for the Blind—admin- istration, etc. . . . .	59,181	204,800
Cancer Hospital. . . . .	617,161	492,730
Health Department.	631,115	574,600
	<b>\$6,939,400</b>	<b>\$6,576,300</b>
<b>PENAL PURPOSES</b>		
Penal institutions and costs. . .	<b>\$4,094,850</b>	<b>\$3,753,500</b>
<b>REMAINDER FOR ALL OTHER DEPARTMENTS, INSTITU- TIONS, AGENCIES AND SERV- ICES SUPPORTED FROM THE GENERAL REVENUE FUND.</b>	<b>11,098,581</b>	<b>9,645,802</b>
<b>TOTAL FROM GENERAL REVENUE FUND.. .</b>	<b>\$91,115,331</b>	<b>\$94,484,122</b>

The foregoing summary is re-stated below in terms of the approximate percentage of General Revenue going to each of the classifications.

	Per cent Appropriations 1939-1940	Per cent Budget Recommendations 1941-1942
Social Security purposes.....	35 %	39 %
Educational purposes.....	41 %	40 %
Eleemosynary, hospitals, health and penal purposes.....	12 %	11 %
Remainder for all other departments, in- stitutions, agencies and services sup- ported from the General Revenue Fund.	12 %	10 %
	100 %	100 %

The preceding explanatory data and tables, which represent a summary of the budget of the General Revenue Fund, are an expression of our determined endeavor to keep the general cost of State government to a minimum, consistent with the efficient rendering of essential services to all the people of the State.

#### HIGHWAY FUNDS

The recommended appropriations from various Highway Funds, summarized hereinafter, are in excess of anticipated receipts for Highway purposes under existing legislation and present conditions. An estimate of revenues for Highway purposes for the biennium 1941-1942 are set forth below.

<b>Highway Department Fund:</b>	
Gasoline tax (2c).....	\$27,900,000
Motor vehicle license fees..	21,300,000
Drivers' license fees. ....	300,000
Bus and truck fees.. ....	1,800,000
Refunds and miscellaneous collections. ....	1,870,000
	<b>\$53,170,000</b>
<b>State Road Fund:</b>	
Anticipated Federal grants. ....	8,359,300
	<b>\$61,529,300</b>



## OTHER STATE FUNDS

Included in this classification are the various funds of state departments, institutions, boards, and bureaus, and funds for numerous special purposes. The recommended appropriations from these special funds are not necessarily indicative of the anticipated receipts thereof. In general, it is the purpose to provide some latitude in the recommended appropriations from these funds, which are for specific purposes and services, to cover receipts which may be realized in excess of current estimates. In any event, expenditures from these funds cannot exceed the revenues thereof for the biennium.

The following schedule lists the principal funds or groups of funds included in this classification.

Other State Funds	Appropriations 1939-1940	Budget Recommendations 1941-1942
Bond retirement and interest funds:		
State building bonds. . . . .	\$3,418,750	\$3,235,000
Soldier bonus bonds . . . . .	569,197	543,242
Interest on consolidated certificates of indebtedness . . . . .	374,080	374,080
Educational institutions—various funds	1,078,868	1,064,566
Eleemosynary institutions—various funds	3,216,589	2,715,000
Blind pension fund . . . . .	2,956,880	2,750,000
Missouri penitentiary revolving fund.....	3,000,000	3,260,000
Penal institutions—various funds. . . . .	1,033,520	1,486,000
County foreign insurance tax fund (dis- tribution) . . . . .	2,500,000	2,500,000
Conservation commission fund.. . . .	1,643,758	1,643,758
Funds of all other departments, institu- tions, boards and bureaus . . . . .	2,805,050	2,584,820
	\$22,596,692	\$22,156,466
Specific appropriations from State public school moneys fund.. . . .	643,044	688,260
	\$23,239,736	\$22,844,726

## FEDERAL FUNDS

The budget contains recommended appropriations from funds from Federal sources which are listed below in comparison with the corresponding appropriations for the prior biennium.

Federal Funds	Appropriations 1939-1940	Budget Recommendations 1941-1942
Education:		
Vocational agriculture, home economics, trade and industrial education.....	\$1,283,000	\$2,500,000
Vocational rehabilitation of disabled persons .....	125,000	225,000
Social security program .....	21,325,000	27,527,625
Unemployment Compensation Commission	2,600,000	1,975,000
Employment service .....	2,394,167	2,250,000
Federal Soldiers' Home .....	27,000	40,000
Highway funds—special. ....	20,000,000	25,000,000
	<b>\$47,754,167</b>	<b>\$59,517,625</b>

## STATE DEBT TO BE REDUCED \$13,475,000

During the biennium 1939-1940 the aggregate debt of the State of Missouri was reduced from \$114,341,839 to \$100,881,839, a reduction of \$13,460,000.

During the biennium 1941-1942 the State debt will be further reduced by \$13,475,000 as set forth in the following summary:

	Outstanding Dec. 31, 1940	Retirement for 1941-1942	To be Outstanding Dec. 31, 1942
State road bonds .....	\$89,990,000	\$10,000,000	\$79,990,000
State building bonds .....	5,500,000	3,000,000	2,500,000
Soldier bonus bonds .....	993,000	475,000	518,000



	Outstanding Dec. 31, 1940	Retirement for 1941-1942	To be Outstanding Dec. 31, 1942
School certificates of Indebtedness.....	3,159,000	.. . . .	3,159,000
Seminary fund certificates of indebtedness. ....	1,239,839	. . .	1,239,839
	\$100,881,839	\$13,475,000	\$87,406,839

## CONCLUSION

It has been the aim in this message to consider and explain the important features and problems of the fiscal program for the biennium 1941-1942. The shaping of that program is one of the major tasks of this General Assembly.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

## TO THE GENERAL ASSEMBLY

FEBRUARY 12, 1941

*From the Journal of the House of Representatives, pp. 265-266*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 12, 1941.

*To the Members of the 61st General Assembly, Jefferson City, Missouri.*

I have the honor to hand you herewith Committee Substitute for House Bill No. 6, with protest in writing attached thereto, which Bill is entitled:

“AN ACT Appropriating money to Pay for Mileage and Per Diem of Officers and Members and contingent expenses of 61st General Assembly.”

and I approve the appropriations provided for in this Bill subject to the following limitation: That no expenditure shall be made out of the contingent funds of the House or Senate which may be used for the purpose of financing or paying expenses contracted in connection with the so-called investigation or contest authorized under Joint Resolution No. 3, passed by a Joint Session of the House and Senate and shown by the House and Senate Journals of January 10, 1941.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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*TO THE SENATE*

FEBRUARY 18, 1941

*From the Journal of the Senate, pp. 146-147*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 18, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Dr. Kenneth O'Bryan, Columbia, Missouri, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 1, 1944, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

FEBRUARY 18, 1941

*From the Journal of the Senate, p. 147*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 18, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointments to office made in vacation of the General Assembly, subject to the approval of the Senate:

Dr. Reuben R. Rhoades, Jefferson City, Missouri, as a member of the Missouri Dental Board, for a term ending October 16, 1943, and until his successor is duly appointed and qualified.

Dr. J. C. Gordon, 1024 E. Linden, St. Louis, Missouri, as a member of the Missouri Dental Board, for a term ending October 16, 1945, and until his successor is duly appointed and qualified; vice, Dr. E. B. Owen, term expired.

Dr. W. B. Owen, Maryville, Missouri, as a member of the Missouri Dental Board, for a term ending October 16, 1941, and until his successor is duly appointed and qualified.

Dr. Chas. L. Powell, Louisiana, Missouri, as a member of the Missouri Dental Board, for a term ending October 16, 1944, and until his successor is duly appointed and qualified.

Dr. Chas. W. Keeling, 822 W. 57th Street Terrace, Kansas City, Missouri, as a member of the Missouri Dental Board, for a term ending October 16, 1942, and until his successor is duly appointed and qualified; vice, Dr. Winfrey W. English, term expired.

Respectfully submitted,

LLOYD C. STARK,

Governor.

**TO THE SENATE**

FEBRUARY 18, 1941

*From the Journal of the Senate, p. 147*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

February 18, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to transmit to you herewith the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Joseph Corby, St. Joseph, Missouri, as a member of the Board of Police Commissioners for St. Joseph, Missouri, for a term ending April 28, 1941, and until his successor is duly appointed and qualified; vice, John J. Downey, deceased.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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**TO THE SENATE**

FEBRUARY 18, 1941

*From the Journal of the Senate, p. 148*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

February 18, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to transmit to you herewith the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

S. Warren Coglizer, 102 N. Sergeant Street, Joplin, Missouri, as a member of the Athletic Commission of the

State of Missouri, for a term ending at the pleasure of the Governor; vice, Ben J. Harrison, deceased.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

FEBRUARY 18, 1941

*From the Journal of the Senate, p. 148*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 18, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Frank J. Lahey, 2812 St. Vincent Avenue, St. Louis, Missouri, as a member of the Workmen's Compensation Commission for a term ending November 16, 1946, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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*TO THE SENATE*

FEBRUARY 18, 1941

*From the Journal of the Senate, p. 148*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 18, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to transmit to you herewith, the following appointment to office made in vacation of the General Assembly, subject to the approval of the Senate:

Lawrence Boogher, 6241 Waterman Avenue, St. Louis, Missouri, as a member of the State Tax Commission for a term ending June 17, 1943, and until his successor is duly appointed and qualified; vice, Jack Stapleton, resigned.

Respectfully submitted,

LLOYD C. STARK,

Governor.

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TO THE SENATE

FEBRUARY 19, 1941

*From the Journal of the Senate, p. 157*

---

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 19, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

L. N. Coffman, Salem, Missouri, as a member of the Board of Managers of the State Federal Soldiers Home of Missouri, for a term ending February 1, 1945, and until his successor is duly appointed and qualified.

Earl E. Young, Lebanon, Missouri, as a member of the Board of Managers of the State Federal Soldiers Home of Missouri, for a term ending February 1, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

FEBRUARY 19, 1941

*From the Journal of the Senate, p. 158*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 19, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Mrs. Chas. E. Dewey, Jefferson City, Missouri, as a member of the Board of Regents for Central Missouri State Teachers College, Warrensburg, Missouri, for a term ending January 1, 1947, and until her successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

FEBRUARY 19, 1941

*From the Journal of the Senate, p. 158*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 19, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to submit herewith for your consent and approval the following appointment to office:

Grover C. Sparks, Savannah, Andrew County, Missouri, as a member of the Board of Managers of the Missouri School for the Deaf, Fulton, Missouri, for a term ending February 1, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

**TO THE SENATE**

FEBRUARY 19, 1941

*From the Journal of the Senate, p. 158*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

February 19, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to submit herewith for your consent and approval the following appointment to office:

Harry M. Gambrel, 206 East 60th Street, Kansas City, Missouri, as a member of the Board of Managers of the Missouri School for the Deaf, Fulton, Missouri, for a term ending February 1, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

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**TO THE SENATE**

FEBRUARY 19, 1941

*From the Journal of the Senate, p. 159*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

February 19, 1941

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Burney Fishback, Perry, Ralls County, Missouri, as a member of the Board of Managers for the School for Deaf, Fulton, Missouri, for a term ending February 1, 1945, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.



**TO THE SENATE**

FEBRUARY 19, 1941

*From the Journal of the Senate, p. 159*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

February 19, 1941.

***To the Senate of the 61st General Assembly in Regular Session:***

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Ethel Conner, Kirksville, Missouri, as a member of the Board of Regents for Northeast Missouri State Teachers College, Kirksville, Missouri, for a term ending February 1, 1947, and until his successor is duly appointed and qualified.

Respectfully submitted,

**LLOYD C. STARK,**  
Governor.

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**TO THE SENATE**

FEBRUARY 19, 1941

*From the Journal of the Senate, p. 159*

---

**EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,**

February 19, 1941.

***To the Senate of the 61st General Assembly in Regular Session:***

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Jack Stapleton, Albany, Missouri, as a member of the Board of Regents for Northwest Missouri State Teachers College, Maryville, Missouri, for a term ending February 1st, 1947, and until his successor is duly appointed and qualified.

Respectfully submitted,

**LLOYD C. STARK,**  
Governor.

*TO THE SENATE*

FEBRUARY 19, 1941

*From the Journal of the Senate, p. 160*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 19, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Joseph T. Davis, 7165 Kingsbury Blvd., St. Louis, Missouri, as a member of the Board of Managers, State Eleemosynary Institutions, for a term ending June 19, 1944, and until his successor is duly appointed and qualified; vice, John J. Griffin, term expired.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

FEBRUARY 19, 1941

*From the Journal of the Senate, p. 160*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 19, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Cowgill Blair, Joplin, Jasper County, Missouri, as a member of the Board of Curators for the University of Missouri, for a term ending January 1, 1945, and until his successor is duly appointed and qualified; vice, H. Charles Cox, term expired.

Respectfully submitted,

LLOYD C. STARK,

Governor.

*TO THE SENATE*

FEBRUARY 20, 1941

*From the Journal of the Senate, p. 170*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 20, 1941.

*To the Senate of the 61st General Assembly in Regular Session:*

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

R. N. Hains, Marshall, Missouri, as a member of the Board of Trustees of the Confederate Home of Missouri, Higginsville, Missouri, for a term ending when his successor is duly appointed and qualified; vice, Mrs. John D. Taylor, deceased.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

*TO THE SENATE*

FEBRUARY 26, 1941

*From the Journal of the Senate, p. 182*

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 26, 1941.

*To the Senate of the 61st General Assembly:*

I have the honor to transmit to you herewith, the following appointment to office, subject to the approval of the Senate:

W. Ed Jameson, Fulton, Missouri, as President of the Board of Managers, State Eleemosynary Institutions, for a term ending June 19, 1944, and until his successor is duly appointed and qualified.

Respectfully submitted,  
LLOYD C. STARK,  
Governor.

## PROCLAMATION

---

### CALLING AN EXTRA SESSION OF THE GENERAL ASSEMBLY

JULY 10, 1940

*From the Journal of the Senate, Extra Session, p. 2*

---

Whereas, The Sixtieth General Assembly of the State of Missouri, in regular session, appropriated the sum of \$6,500,000 out of the State Treasury, chargeable to the General Revenue Fund, for the purpose of Aid or Relief in Case of Public Calamity for the years 1939 and 1940, said appropriation appearing on page 98, Laws of Missouri, 1939, as a portion of Section 1 of House Bill 657, approved by me July 8, 1939; and

Whereas, It is at this date determinable that said appropriation will have been substantially exhausted in entirety on or before August 1, 1940; and

Whereas, It is imperative that there be an additional appropriation for the period from August 1, 1940 to and including December 31, 1940 for these purposes in order to prevent hunger and suffering among a large group of the people of Missouri.

Now, therefore, I, Lloyd C. Stark, Governor of the State of Missouri, by virtue of the authority in me vested by the Constitution of the State of Missouri, do hereby convene the Sixtieth General Assembly of the State of Missouri in extra session and I do hereby call upon the Senators and Representatives of the said General Assembly to meet in their respective places in the State Capitol in the City of Jefferson at the hour of 2:00 P.M., Monday, the 22nd July, 1940, for the following purposes:

1. To make an appropriation of \_\_\_\_\_  
to meet the purposes to Aid \_\_\_\_\_

Calamity for the period from August 1, 1940 to and including December 31, 1940.

2. To make an appropriation for the expenses of this extra session of the General Assembly.

3. To consider such other matters and subjects as may be recommended by the Governor by Special Message to the extra session of the General Assembly for its consideration after it shall have been convened.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Missouri to be affixed at Jefferson City, this 10th day of July in the year of our Lord One Thousand Nine Hundred and Forty.

LLOYD C. STARK,  
Governor of the State of Missouri.

Attest: DWIGHT H. BROWN,  
Secretary of State.

## MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION<sup>1</sup>

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APRIL 2, 1937

*From the Register of Civil Proceedings, 1934-1938, p. 409*

---

The Governor offered a Reward of \$200.00 for the arrest and delivery of Dave McWherter's murderer, *Oral Reich*, to the Sheriff of Dade Co. Mo.

---

APRIL 13, 1937

*From the Register of Civil Proceedings, 1934-1938, p. 415*

---

The acting Governor issued a proclamation making April 13 a public holiday in memory of Thomas Jefferson, the author of the Declaration of Independence. This day to be known as Jefferson Day.

---

JULY 21, 1937

*From the Register of Civil Proceedings, 1934-1938, p. 462*

---

The Acting Governor offered a reward of \$200.00 for the apprehension and conviction of the perpetrator or perpetrators of the murder of Russell E. Shore, Cass Co., Mo.

---

AUGUST 28, 1937

*From the Register of Civil Proceedings, 1934-1938, p. 483*

---

The Governor issued a Proclamation designating September 17, 1937, as Constitution Day. (150th Anniversary)

---

<sup>1</sup>No memoranda of writs of election were found in the *Registers of Civil Proceedings* during Governor Stark's administration.—Ed.

NOVEMBER 5, 1937

*From the Register of Civil Proceedings, 1934-1938, p. 518*

---

The Governor issued a Proclamation proclaiming the period beginning November 7 and ending November 13, 1937, as Education Week in Missouri.

---

NOVEMBER 13, 1937

*From the Register of Civil Proceedings, 1934-1938, p. 522*

---

The Governor designated November 16 and 17 days to distribute blanks for the purpose of ascertaining the number of unemployed persons in the United States.

---

NOVEMBER 16, 1937

*From the Register of Civil Proceedings, 1934-1938, p. 523*

---

The Governor issued a proclamation designating and setting apart Thursday, November 25, 1937, as Thanksgiving Day.

---

DECEMBER 1, 1937

*From the Register of Civil Proceedings, 1934-1938, p. 530*

---

The Governor offered a reward of \$300.00 for the apprehension and conviction of the person who murdered Mrs. A. S. Mortimer of Mexico, Mo.

---

JANUARY 26, 1938

*From the Register of Civil Proceedings, 1934-1938, p. 556*

---

The Governor offered a reward of \$200.00 for the apprehension and conviction of the party or parties who murdered W. T. Carlton of Scott county.

MARCH 21, 1938

*From the Register of Civil Proceedings, 1934-1938, p. 589*

---

The Governor issued a proclamation proclaiming and designating the week of March 20, 1938 as National Wild Life Restoration Week.

---

MARCH 22, 1938

*From the Register of Civil Proceedings, 1934-1938, p. 590*

---

The Governor issued a proclamation, proclaiming April 6, 1938, Army Day.

---

MARCH 28, 1938

*From the Register of Civil Proceedings, 1934-1938, p. 593*

---

The Governor issued a proclamation, proclaiming the month of April, 1938, as Cancer Control month in the State of Missouri.

---

APRIL 27, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 13*

---

The Governor issued a proclamation, proclaiming the week of May 15 to May 21, 1938, as Air Mail Week throughout the State of Missouri.



APRIL 28, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 14*

---

The Governor issued the following Proclamations:  
May 28, 1938, Poppy Day.

May 1-8, 1938, For Child Welfare, designating this week as Better Parenthood Week, since May 1, 1938 has been designated as Child Health Day and May 8, 1938, has been designated as Mother's Day.

---

MAY 26, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 28*

---

The Governor issued a proclamation proclaiming May 27th and 28th, as "Buddy Poppy" days and calls upon all good citizens to join in appropriate services.

---

JUNE 8, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 34*

---

The Acting-Governor issued a proclamation, designating June 14 as Flag Day.

---

JUNE 14, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 37*

---

The Governor proclaimed Friday, June 17, as "Humanity Day." This is the day the effort in behalf of innocent and suffering Chinese non-combatant women and children is to reach a national climax when Bowl of Rice Parties for the benefit of these victims are to be held simultaneously in hundreds of cities throughout the country. All citizens are called upon to join in this observance.

JULY 8, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 50*

---

The Governor issued a proclamation proclaiming July 18, 1938 as "Missouri Home-Coming Week," Municipal Opera, St. Louis, Mo.

---

JULY 21, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 57*

---

The Governor proclaimed the week of August 14, 1938, as "Veterans Employment Week."

---

JULY 23, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 57*

---

The Governor set aside and proclaimed August 2, 1938, Primary Election Day.

---

AUGUST 1, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 60*

---

The Governor proclaimed Tuesday, August 2, 1938, Primary Election Holiday.

---

AUGUST 15, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 66*

---

The Acting Governor proclaimed September 1 to September 15 Drive Safely Campaign.

SEPTEMBER 16, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 79*

---

The Governor issued a proclamation proclaiming the period from October 1, to October 9, inclusive, as National Air Travel Week in commemoration of the first ten years of successful passenger transportation by air and in tribute to the pioneers in aeronautics.

---

OCTOBER 1, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 86*

---

The Governor proclaimed October 9 to October 15, 1938 Fire Prevention Weeks.

---

OCTOBER 3, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 87*

---

The Governor issued a reward for *Oral Reich*, charged with the murder of *Dave McWherter*.

---

OCTOBER 7, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 90*

---

The Governor issued a proclamation proclaiming November 6 to 12, 1938, Education Week.

---

OCTOBER 26, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 98*

---

The Governor issued a proclamation proclaiming October 27, 1938, Navy Day.

NOVEMBER 2, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 101*

---

The Governor issued a proclamation proclaiming November 11, 1938, Armistice Day.

---

NOVEMBER 9, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 104*

---

The Governor proclaimed November 11 to 24 Red Cross annual membership enrollment period.

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NOVEMBER 17, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 110*

---

The Governor issued a proclamation, proclaiming that on Saturday and Sunday, November 19th & 20th, intercessory prayers for victims of persecution be offered by Protestants, Catholics and Jews in their churches and synagogues all over the United States and urges the people of Missouri of all faiths to worship especially on these days, in a spirit of humility to invoke the aid of the Supreme Authority in bestowing upon the oppressed people of every land, the same measure of peace, security and tolerance with which we Americans have been traditionally blessed.

---

NOVEMBER 22, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 112*

---

The Governor offered a reward of \$300.00 for the arrest and delivery of person or persons guilty of the murder of *Louis Lee Baker*.

NOVEMBER 22, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 112*

---

The Governor offered a reward of \$300.00 for the arrest and delivery of person or persons guilty of the murder of *De Atley Ragland*.

---

DECEMBER 27, 1938

*From the Register of Civil Proceedings, 1938-1941, p. 131*

---

The Governor made proclamation of the results of the election as to the adoption of Amendment No. 4, authorizing the General Assembly to grant pensions or assistance to persons over sixty-five years of age.

---

JANUARY 31, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 153*

---

The Governor issued a proclamation, proclaiming Wednesday, February 1, 1939, as Third National Social Hygiene Day.

---

FEBRUARY 10, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 160*

---

The Governor issued a Proclamation, proclaiming February 12 to 22, 1939, National Americanism Week.

MARCH 16, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 181*

---

The Governor issued a proclamation, proclaiming March 19 to March 25 as the period that all citizens of this state acquaint themselves with the problems of conservation in Missouri and to work for the proper protection and restoration of these natural resources, and to cooperate with the President and the agencies in carrying out the program of Conservation.

---

MARCH 20, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 184*

---

The Governor proclaimed April 6, 1939, Army Day and urged the citizens of this state to observe this day, the 22nd Anniversary of the entry of the United States into the World War.

---

MARCH 21, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 184*

---

The Governor proclaimed the period from April 1 to April 30, as Cancer Control Month.

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MARCH 24, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 187*

---

The Governor proclaimed April 2 to April 9, inclusive, Crippled Childrens' Week and urges all citizens to buy Easter Seals to the limit of their ability.

MARCH 27, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 189*

---

The Governor designated Friday, April 7, 1939, as Arbor Day.

---

MARCH 30, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 190*

---

The Governor issued a proclamation, designating Friday, May 12, 1939, as National Hospital Day in Missouri, and urges all citizens, newspapers, and schools to give their united support to this benevolent and humanitarian movement.

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APRIL 21, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 204*

---

The Governor issued a proclamation, proclaiming May 1, 1939, as Child Health Day.

---

APRIL 24, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 205*

---

The Governor issued a proclamation, proclaiming Saturday, May 27, 1939, "Buddy Poppy" day.

---

MAY 4, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 210*

---

The Governor issued a proclamation proclaiming May 22nd to 27th National Cotton Week.

MAY 15, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 215*

---

The Governor proclaimed June 8th to 14th Flag Week.

---

MAY 19, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 218*

---

The Governor proclaimed May 26 and 27, 1939, Buddy Poppy Days.

---

SEPTEMBER 6, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 274*

---

The Governor issued a proclamation, calling upon all the people of Missouri to stand solidly behind the President of the United States in his determination to keep America out of war and to scrupulously observe the neutrality regulations set forth in the President's Proclamation.

---

SEPTEMBER 13, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 276*

---

The Governor issued a proclamation designating September 17th to 24th as a period for the observance of Air Progress by the citizens of this State.



SEPTEMBER 16, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 279*

---

The Governor issued a proclamation setting aside Sunday, September 17, as Constitution Day, urging that all who are able to do so, gather in churches of their respective faiths, and join in prayers for the perpetuation of the freedom which the Constitution symbolizes.

---

OCTOBER 9, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 291*

---

The Governor issued a proclamation setting aside November 5th to 11th for the observance of American Education Week.

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OCTOBER 14, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 295*

---

The Governor proclaimed October 27, 1939, Navy Day.

---

OCTOBER 17, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 296*

---

The Governor issued a proclamation, proclaiming Oct. 31 to Nov. 6, 1939, Missouri Apple Week.

---

OCTOBER 23, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 298*

---

The Governor issued a proclamation, proclaiming November 23, 1939, Thanksgiving Day.

NOVEMBER 2, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 304*

---

The Governor issued a proclamation, proclaiming November 5 to 11, inclusive, Veterans' Week.

---

NOVEMBER 29, 1939

*From the Register of Civil Proceedings, 1938-1941, p. 318*

---

The Governor issued a proclamation, proclaiming this years Yuletide to be a Cotton Christmas and calls upon the citizens of Missouri to join in giving practical emphasis to the purchase of gifts of cotton during the approaching holiday season.

---

JANUARY 24, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 345*

---

The Governor issued the following proclamations:  
January 27th to February 6th to be devoted to the fight against infantile paralysis.

Thursday, February 1, 1940, Social Hygiene Day.

---

FEBRUARY 3, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 352*

---

The Governor issued a proclamation, proclaiming the period from February 12th to 22nd as National Americanism Week, and Sunday, February 18th as Citizenship Day.

FEBRUARY 19, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 360*

---

Acting-Governor, Frank G. Harris, issued a proclamation, proclaiming that it is of public interest for every person in Missouri, to answer fully and accurately, the official questions addressed to him by the census-taker, as the 1940 Census is in position to furnish accurate measurements of the economic and social changes resulting from the stresses and strains [sic] of the decade now closing.

---

MARCH 20, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 379*

---

The Governor issued the following proclamations: Friday, April 5, 1940, being the first Friday after the first Tuesday in April, is designated as *Arbor Day*.

Sunday, May 12, 1940, is designated as *Missouri Hospital Day*.

---

MARCH 21, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 380*

---

The Governor proclaimed Saturday, April 6, Army Day and urged the citizens of this state to observe the day by a display of flags and through participation in such local observances as may be arranged in their respective communities.

---

MARCH 30, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 387*

---

The Governor issued a proclamation, designating the period from April 1st to April 30th, 1940, as Cancer Control Month, calling upon all our citizens to support the good work of the Missouri Division of the Womens' Field Army.

APRIL 1, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 388*

---

The Governor issued a proclamation, proclaiming the week of May 5th to 11th, 1940, National Music Week in Missouri, and urges all citizens to participate in such celebrations and ceremonies as are arranged in their respective communities during that period.

---

APRIL 24, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 400*

---

The Governor issued a proclamation, calling upon the people of Missouri to observe May 22, 1940, as National Maritime Day by the display of flags and such other means as are appropriate to the occasion.

---

MAY 2, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 403*

---

The Governor issued the following proclamations:  
May 5th to 11th, 1940, Missouri Library Week,  
May 1st to 8th, 1940, National Employment Week  
May 5th as National Employment Sunday.

---

MAY 13, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 409*

---

The Governor issued a proclamation, proclaiming May 17 to May 25, 1940, National Cotton Week.

MAY 14, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 410*

---

The Governor issued the following proclamations:

*Buddy Poppy Days*, May 25 & 25 [26], 1940.

*Red Cross Call*, urging the citizens of Missouri to do their share toward subscribing the necessary monies to carry on this noble humanitarian effort of the American Red Cross to alleviate the distress and suffering among the war-stricken peoples of Europe.

---

MAY 27, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 416*

---

The Governor issued the following proclamations:

The month of June Dairy Month.

June 8 to 14, 1940, Flag Week.

---

JUNE 17, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 426*

---

The Governor issued a proclamation, urging all citizens to use increased care in walking and driving, and to exercise greater caution in swimming and boating and to avoid the careless use of explosives or fireworks during the forthcoming Independence Day celebration, and throughout July.

---

JULY 10, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 436*

---

The Governor issued a proclamation calling a Special Session of the General Assembly for 2:00 p. m. July 22, 1940, to make an appropriation for Relief and to consider other matters as may be recommended by the Governor.

JULY 26, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 446*

---

The Governor issued a proclamation, designating Sunday, August 4th as "Twenty-One Day" and urges all pastors of all churches to preach on citizenship and to arrange special services for the young people on that occasion.

---

JULY 27, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 447*

---

The Governor issued a proclamation, proclaiming August 19th as National Aviation Day in Missouri.

---

SEPTEMBER 4, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 466*

---

The Governor issued a proclamation setting aside Tuesday, September 17th as Constitution Day.

---

SEPTEMBER 9, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 469*

---

The Governor issued a proclamation, proclaiming Sept. 16 to 21, 1940, National-Retail Demonstration Week.

---

SEPTEMBER 12, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 471*

---

The Governor issued a proclamation urging all public officials in Missouri to cooperate fully with postoffice and immigration officials in making the registration complete and accurate through encouraging residents to comply with the Alien Registration Act.

SEPTEMBER 20, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 475*

---

The Governor designated October 16, 1940, as Registration Day in Missouri under the National Selective Service Act of 1940.

---

OCTOBER 1, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 481*

---

The Governor proclaimed a holiday for all Missouri Public Schools, October 16, 1940, as school houses are in many instances used as voting precincts and will be used for registration under the Selective Service Act.

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OCTOBER 15, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 488*

---

The Governor proclaimed Oct. 27, 1940, as "Navy Day."

---

OCTOBER 30, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 495*

---

The Governor proclaimed Monday, November 11th, Armistice Day.

---

NOVEMBER 7, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 499*

---

The Governor proclaimed November 11 to 30, 1940, Red Cross Roll Call.

NOVEMBER 12, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 502*

---

The Governor proclaimed November 21, 1940, Thanksgiving Day.

---

NOVEMBER 23, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 507*

---

The Governor proclaimed the period from November 25th to December 1st, Art Week and called upon the people of Missouri to enjoy the many displays and exhibitions arranged for their benefit.

---

DECEMBER 3, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 512*

---

The Governor issued a proclamation proclaiming the month of December, 1940, National Safety Month, and calling upon every citizen to do his part in this drive to stop traffic tragedy by exercising unusual care during this extra hazardous month so that Christmas joy shall not be marred by needless tragedy.

---

DECEMBER 7, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 516*

---

The Governor issued a proclamation, proclaiming this forthcoming Christmas, Cotton Christmas and urging all citizens to join in giving gifts of cotton, that we together may bring happiness not only to the recipients of our gifts, but to the millions of our fellow Americans whose livelihood [sic] depends upon our purchases of cotton products.



DECEMBER 11, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 519*

---

The Governor notified Charles Reed, Sheriff, County of Reynolds, that a special election called for December 20th, to fill a vacancy in the office of Representative, is cancelled, due to conflicting interpretations of the applicable statute.

---

DECEMBER 13, 1940

*From the Register of Civil Proceedings, 1938-1941, p. 520*

---

The Governor proclaimed December 17, 1940, Pan-American Aviation Day.

---

JANUARY 15, 1941

*From the Register of Civil Proceedings, 1938-1941, p. 541*

---

The Governor set aside January 13-31, 1941, "National Infantile Paralysis Campaign" in behalf of infantile paralysis sufferers.

---

FEBRUARY 6, 1941

*From the Register of Civil Proceedings, 1938-1941, p. 557*

---

The Governor issued a proclamation, designating the period between February 12th and 22nd, 1941, inclusive, as *National Defense Week*.

---

FEBRUARY 12, 1941

*From the Register of Civil Proceedings, 1938-1941, p. 562*

---

The Governor issued a proclamation, proclaiming February 12th to 22nd, "Missouri State Junior Chamber of Commerce Americanism Week."











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